V-VI

CHURCH AND STATE IN NORTH CAROLINA

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V–VI

CHURCH AND STATE IN NORTH CAROLINA

BY

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CHURCH AND STATE IN NORTH CAROLINA, 1711-1776.

CHAPTER I.

INTRODUCTION.

In a former paper[1] the present writer pursued studies along two lines. First, he sought to show from external and internal evidence, from contemporary and later authorities, that the first settlements in North Carolina were made not by Quakers fleeing from religious intolerance in other colonies, but by men seeking for homes under better economic conditions. In the course of a few years, especially after the failure of Bacon's rebellion, these first settlers were reinforced by others seeking political freedom, which they found flourishing finely in the little colony by the Albemarle. Before the end of the seventeenth century settlers were coming into the colony, possibly from religious motives, for Quakers were then coming from Ireland as well as from Pennsylvania, and Huguenots were making their settlement about Bath.

The second part of the paper was an effort to arrive at the true relations between *Church and State* as developed in theory and practice by the Lords Proprietors. We saw that provision was made for a State Church in the charter granting Carolana to Sir Robert Heath in 1629. These provisions were re-enacted in the charters to the Lords Proprietors in 1663 and 1665. No effort was made, however, to put them into practice until 1701, when a vestry act was passed providing for an establishment. The fortunes

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[1] "The Religious Development in the Province of North Carolina," Johns Hopkins University *Studies in Historical and Political Science*, X., pp. 239-306, May-June, 1892.

and influence of this act were traced. The act passed late in 1704 or early in 1705 was examined and its relation to the "Cary Rebellion" considered. Dr. Hawks follows the example of the colonial leaders in disparaging the principles of Cary and his followers; with him they are rebels and indefensible. A more charitable view, that these men were struggling for political rights against the representatives of despotic power, has been recently advanced by Hon. William L. Saunders and Captain Samuel A. Ashe, and has been adopted by Hon. Kemp P. Battle; but the writer believes that the "rebellion" stands for more than a political struggle. It was the uprising of a free people against the attempt of foreign and domestic foes to saddle on them a church establishment with which they had no sympathy, and he has treated it as such. He does not believe it possible to explain the extent of the commotion on any other basis.

The purpose of this paper is to continue the line of study already begun; to trace further the relations between Church and State in North Carolina; to enquire if there was any persecution in North Carolina—if so, its character, when, where, by whom, and who were the sufferers; and to discover whether the colonial or home government was responsible for the persecution. The writer will show that from 1730 to 1773 the home and colonial governments enforced in North Carolina the atrocious Schism Act; that dissenting clergymen were denied for years the privilege of performing the marriage ceremony; that this was finally granted them only under burdensome restrictions; and that they were discriminated against in the enforcement of muster laws. He will also trace the evolution of that spirit of opposition to an Establishment which was to culminate in the Declaration of Rights and in the State Constitution of 1776, in the first amendment to the Federal Constitution in 1789, and in the final triumph of absolute religious freedom by the removal in 1835 of what seemed to be a ban placed on Roman Catholics by the State Constitution in 1776.

CHAPTER II.

Church and State under the Proprietors, 1711-1728.

The acts passed by the Assembly of 1711 in its efforts to settle the religious and political questions growing out of the troubles with the Dissenters came very near plunging the country into a real civil war, as we have already seen.[1] But this new rebellion was nipped by the Virginia troops sent in by Gov. Spotswood, and the laws of which the colonists were here complaining remained in force.

There was, however, one bright spot in this dark cloud of usurpation and oppression. These acts put the Dissenters of North Carolina on a legal basis. The colonists had grown tired of the uncertainties and sufferings attendant on the arbitrary will of the Proprietors, and boldly proclaimed that "this province is annexed to and declared to be a member of the Crown of England." They enacted that the laws of England, "so far as they are compatible with our way of living and trade," were to be the laws of the province, and that "all such laws made for the Establishment of the Church and the laws made for granting indulgences to Protestant Dissenters" were to be a part of the law of the colony.[2]

This was a great step forward. Before this time there had been no legal recognition of Dissenters at all. Provision had been made in the charters for toleration, but how, when and under what circumstances it was to be exercised were matters to be left completely in the hands of the Lords Proprietors. How arbitrary and capricious this recognition might be we have already seen.

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[1] Religious Development in the Province of North Carolina, pp. 59–62.

[2] Col. Rec., I., 789, 790.

The Dissenters in North Carolina were now on the same footing as the Dissenters in England. Their position had been defined by the Toleration Act which had been passed on May 24, 1689. Its title is "An Act for Exempting their Majesty's Protestant Subjects dissenting from the Church of England from the Penalties of certaine Lawes."[1] Under this act Protestant Dissenters were allowed to attend their own places of worship, and were protected by the law from disturbance, provided they took the oath of allegiance and supremacy and subscribed the declaration against transubstantiation; but their congregations had to be duly registered and the doors of their meeting-houses had to remain unlocked and unbarred. Their ministers had to subscribe to the doctrinal portions of the Anglican articles, except that Baptists were relieved from the section in regard to infant baptism, and the Quakers had only to affirm their adhesion to the government, to abjure transubstantiation, to profess faith in the Trinity and in the inspiration of the Bible.[2]

This act is technically described as an "Act of Indulgence." It suspended in certain cases the operation of laws which still remained on the statute-book. It did not repeal these laws, and thus left the Dissenters more or less under the stigma of the law. They were still excluded from the universities; they could be married only by the Anglican ceremony, and the Corporation and Test acts prevented them from entering corporations and public offices without receiving the sacrament according to the Anglican rite. This act was the high-water mark of toleration in the seventeenth century. Its grants were considered as *favors*, not as

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[1] William and Mary, Chap. 18, in *Statutes of the Realm* (1819), VI., 74-76.

[2] *Cf.* the act for Liberty of Conscience in Col. Rec., II., 884, where it is provided that "all Protestant dissenters within this government shall have their meetings . . . provided that the same be public and subject to such rules, regulations and restrictions as by the several acts of Parliament . . are made and provided." The Quaker was allowed to affirm.

rights; it conferred a great practical advantage on the Dissenters, but Lecky doubts if the cause of religious liberty received anything from the Revolution of 1688. William earnestly desired complete toleration, if not equality, among Protestants, but this policy was not feasible after the fear of a Catholic sovereign was removed. Measures to abolish the sacramental test or to make the reception of the sacrament in any Protestant form a sufficient test were introduced into Parliament and defeated.[1]

When the members of the Establishment in North Carolina drew nearer, in 1701 and 1704, to the model of the home government and undertook to force a development along these lines, the Dissenters tried the virtue of rebellion. It is clear that their government *de facto*, 1707-10, was recognized by the Proprietors,[2] but a new wave of loyalty suddenly swept them out of power in the latter year. From that time the Dissenters, in characteristic English fashion, submitted to the will of the majority, and began to fight their battles along legal and technical lines. During the next sixty-six years North Carolina was not without discussion and agitation on ecclesiastical matters, and this discussion, culminating in the Mecklenburg instructions of 1775 and 1776, and crystallizing in the Constitution adopted at Halifax in December, 1776, put North Carolina close to Virginia, the first political organization in the world to solve the problem of a free church in a free State, each independent of the other.[3]

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[1] Lecky, *History of England in the Eighteenth Century*, I., 219-221.

[2] If any are disposed to doubt this statement it is enough to invite them to read the Colonial Records carefully. The *Collections of the South Carolina Historical Society*, I., 181, inform us that the Proprietors appointed Emmanuel Lowe, *one of the rebel leaders*, secretary of the province on Nov. 30, 1710. He does not seem to have accepted, so Jan. 31, 1711, his son, Neville Lowe, was appointed to the same office (*Ibid.*, I., 160). *Cf.* also my paper on John Archdale and some of his Descendants, in *Magazine of American History* for Feb., 1893.

[3] Mr. William Wirt Henry (*Papers Amer. Hist. Association*, II., 28-30) claims this honor for Virginia. He bases this claim on the six-

The rebellion of Cary, moreover, had not been able to solve the question of tithes. We have the clearest testimony that the vestrymen found great difficulty in collecting church dues, and we know that the earlier church acts were repealed by the Proprietors; but in spite of these hindrances the Churchmen managed to keep some sort of an ecclesiastical law in existence. At no time within this period were the Dissenters quiet or regardless of their own interests; but from all the accounts we have of the religious inclinations of the colonists, a majority of them were of the Church of England. They had been reared within its communion: they were, therefore, naturally inclined toward it, and might be ready for that reason to connive at the efforts of their more zealous partizans. We are led to this conclusion from statements in the records. In 1704 Dr. Blair was promised £30 per annum "as the law provides";[1] the next year Gerrard was

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teenth section of the Bill of Rights adopted by the Virginia Convention, June 12, 1776. This section was the work of Patrick Henry. Dr. Charles J. Stillé replies in the next volume of the *Papers* (III., 205–211) that a Bill of Rights is not a law, and it was not until 1785 that Jefferson's bill establishing religious freedom was passed. There was still religious intolerance in Virginia in October, 1776, when Jefferson began his labors of reform, and this did not come to an end until 1799. Pennsylvania put the religious liberty clause into her constitution in 1776. Mr. Henry replies (*Ibid.*, III., 457 *et seq.*) that the Bill of Rights was a law and was so interpreted by the Virginia Court of Appeals. The trouble was that the Virginia legislature failed to recognize it. Madison seems to have represented the general opinion, *cf.* what he says in discussing the proposed Bill of Rights to the Federal Constitution (Elliot's Debates, III., 330, ed. 1836): "Is a Bill of Rights a security for religion? Would the Bill of Rights, in this State, exempt the people from paying for the support of one particular sect, if such sect were established by law?"

The thirty-second clause of the North Carolina Constitution: "That no person, who shall deny the being of God, or the truth of the Protestant religion . . shall be capable of holding any office," etc., will be discussed in Chapter V.

[1] Col. Rec., I., 597.

promised the same sum "which the law directs";[1] and in 1708 Adams writes that each precinct by "act of Assembly" allows each minister £30.[2] The Proprietors had disallowed the law of 1701, and that of 1704 was evidently repealed; but in spite of all this the Churchmen managed to derive the same benefit from the law as if it had still continued in force. Urmstone tells us further that the Assembly had a way of reaffirming at the beginning of each session all acts of the preceding Assembly which they desired, and this obviated the trouble arising from any interference with their plans by the Lords Proprietors.[3]

The first one of the church acts to come down to us is the Vestry Act of 1715.[4] This was no doubt in some respects similar to the acts of 1701, 1704 and 1711, but how far they were alike we do not know. By it the right of Dissenters to exist is recognized; but the preamble beginning, "This province of North Carolina being a member of the Kingdom of Great Britain; and the Church of England being appointed by the charter from the crown to be the only Established Church to have public encouragement in it," etc., indicates clearly enough that the right to dissent was not yet recognized as natural and inalienable.

The act divided the province into nine parishes, and vestrymen were appointed in each. Provisions were made for them to meet and organize, and an oath was required wherein each declared that it was unlawful to take up arms against the king "upon any pretext whatever,"[5] and that he would

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[1] Col. Rec., I., 616. [2] *Ibid.*, I., 682. [3] *Ibid.*, II., 224.

[4] *Cf.* text in Col. Rec., II., 207 *et seq.*

[5] The Corporation Act (1661–1828) required all magistrates and municipal officers to take the sacrament according to the Church of England, to abjure the Covenant, and to take an oath declaring it illegal to bear arms against the King. In an act passed in North Carolina in 1715, public officers were required to take and subscribe "the several oaths" required in Great Britain under a penalty of £20 (Col. Rec., II., 885). The effort was evidently made to enforce in North Carolina the English laws in their severity, and this clause of the vestry act is a proof of it.

"not apugn the liturgy of the Church of England as is by law established." Every vestryman who refused to subscribe to this ironclad declaration of the divine right of kings was fined £3, "if such person is not a known and publick Dissenter from the Church of England." Each vestry was empowered to employ "a person of a sober life and conversation to be clerk," to employ a minister in each precinct for not less than £50, "and that in the raising thereof and all other parish charges, the whole do not exceed five shillings per poll on all taxable persons in the parish." The churchwardens and vestrymen were given power to purchase a glebe, build a church and one or more chapels in each precinct, and "to raise and levy money by the poll," under penalty of double distress in case of refusal or neglect of payment.

This was the last act relating to the establishment of the Church passed during the Proprietary régime.[1] It remained in force until 1741, when it was superseded by a new and fuller provision. We have no means of learning the amount of disturbance and confusion created by it; the records are silent on this point, for the Dissenters have few representatives in its pages. The Dissenters were the men of action, not of talk; but we can get side-lights now and then as to its effects. Quakers exhort each other faithfully to keep up their "testimony against the anti-Christian yoke of tithes," and the continual and bitter quarrels which Urmstone was always waging against his vestries, and the heartless abuse he pours out upon the colonists in general, indicate that the tithe law brought him very little gain. The vestrymen were empowered by law to distrain in case of refusal, but this seems to have been seldom resorted to. They no doubt fully appreciated the feeling which had raised such deep opposition to former church acts, and cared less for the howls and curses of the blasphemous missionary

[1] In 1720 an Additional Act to the Vestry Act was passed, but has not come down to us. *Cf.* Swann's Revisal, 43, ed. 1752.

than for the hatred and contempt of their neighbors and kinsmen. Laws are hard to enforce in any country when the moral sentiment of the whole people does not sustain them, and Col. Byrd bears involuntary witness to the freedom and independence of North Carolina when he sneeringly remarks that these people pay tribute neither to God nor to Caesar. Why should the Proprietors expect willing tribute from a province which they valued only as a source of revenue? Why should Churchmen pay to the support of a ministry when they were given such men as Urmstone, and why should Dissenters pay to the support of any church save their own?

The Establishment and the Society for the Propagation of the Gospel had begun their work in North Carolina almost simultaneously; they had been of mutual assistance to each other; this assistance might have been many-fold greater had the character of the missionaries of the S. P. G. been better. Never, perhaps, did the average standard of devotion, purity and piety fall lower than it did in the case of these men. They were worse than the people whom they came to instruct. Their presence did harm to the cause of religion and morality. Some were weak men, others were positively vicious. A few biographies will be sufficient to establish the truth of these assertions.

The first of these missionaries was Daniel Brett, who turned out in six months to be a scoundrel.[1] Dr. Blair came next. He was pious, but faint-hearted, and in six months was gone.[2] Henry Gerrard was not sent out by the Society, but his career was in eminent keeping with that of the average missionary, for in a few months after his appointment the vestry record that they have heard of "several debauched practices which (if true) tends highly to the dishonor of Almighty God and the scandal of the church."[3] Rev. Giles Rainsford came out in 1712, and Rev. Ebenezer

[1] *Cf. Religious Development*, 34, 35.
[2] *Ibid.*, 42, 43.
[3] Col. Rec., I., 630.

Taylor in 1717. These men were pious and upright in conduct, but weak and vacillating in disposition. They served the colony only a few years, and Newman, who came out in 1722, died within a few months. We must add to this list the names of Blacknall, a knave of superior rank, and Bailey, a drunkard,[1] who were the last to appear in the colony under the Proprietary régime.

These men seem bad enough, but they sink into insignificance when compared with John Urmstone, whose presence, Dr. Hawks very frankly and very justly remarks, "did more to retard the spread of Christianity and the growth of the Church of England in Carolina than any and all other causes combined."[2] This worthy was a native of Lancashire,[3] and was born in 1662.[4] He had received a liberal education, perhaps a university one; he had had the benefit of long travels, and knew something of French and Italian,[5] he is perhaps the same as the "Mr. Urmstone" who was chaplain to the English factory at Archangel in 1703, and who became a corresponding member of the S. P. C. K.[6] From the letters of Urmstone no one would ever charge him with having any of the spirit and meekness of Christ. He was unamiable and quarrelsome, he was haughty in disposition and ready to presume on the dignity of his sacred office. He had taken orders, no doubt, as too many of the clergy of that day had done, simply that he might live like a gentleman. He came to North Carolina not from a sense of duty to his divine Master, but with the hope and expectation of gain, for he complains in the most open and avowed manner that he and his predecessors had been laden with "calumnies, reproach and scandalous falsehoods instead of wealth."[7] He doubtless expected to

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[1] The vestry of Bath writes to the Society in very high terms of Bailey.

[2] *History of North Carolina*, II., 353.

[3] Col. Rec., II., 249. [4] *Ibid.*, II., 372. [5] *Ibid.*, II., 432.

[6] McClure, A Chapter in English Church History, Journal of S. P. C. K., pp. 262, 263. [7] Col. Rec., II., 126.

find well-ordered parishes, good churches, a people subservient to tithes and fat livings for missionaries, as he would have found in some of the West Indies; instead he found a scattered population living under the vampire-like dominion of the Proprietors, who cared more for quit-rents than for souls. Whatever progress had been made toward financial independence had been made in spite of bad governments and by honest toil; as a rule the people were poor; many of them were Dissenters, and the colony was just emerging from disturbances bordering on civil war due largely to the fixing of an Establishment. They paid scant respect then to the new clergyman from across the water, who soon showed that his own life was more immoral than the lives of the men whom he came to teach in religious things. The biting tongue of the missionary was unloosed in the first letter to the Society that has been preserved, and this may be taken as a fair sample of the voluminous correspondence that was to follow during the next ten dark and gloomy years from his heartless and unsympathetic pen. He is introduced to us with what was in that land of plenty a lie upon his lips: "Since my arrival here I... am at last together with my family in manifest danger of perishing for want of food, we have lived many a day only on a dry crust and a draught of salt water out of the sound."[1] And thus with almost every letter this suffering missionary was on the point of being laid in the tomb from sheer starvation;[2] yet he alone of all the missionaries who came to North Carolina was able to buy a plantation,[3] to bring white female servants with him from England, to buy English servants in Carolina, and buy negroes there;[4] to send to

[1] Urmstone's first letter to the S. P. G. is dated July 7, 1711 (Col. Rec., I., 763). From this we gather that he had then been in the province about a year; but the vestry book of St. Paul's parish shows that he was an incumbent of that parish in 1708; *cf.* Perry, *Amer. Epis. Ch.*, I., 636.

[2] Col. Rec., I., 850; II., 77, 116, 130, 131, 176, 218, 248, 279.

[3] *Ibid.*, I., 764. [4] *Ibid.*, II., 127.

Guinea for negroes;[1] to buy canoes for his work, and to hire overseers for his slaves.[2] We may rest assured that no other missionary was able to furnish his farm with stock, with tools and agricultural implements;[3] but all these things John Urmstone, the starving missionary, could afford. He not unfrequently closes his letters to the Society by an urgent request that his bills be allowed, which was not always done, and that they ship forthwith various and sundry articles of English goods, among them "Sugar the best sort—Molasses and Rum of each a barrel, the best pale or slack dried Malt, a hogshead, with hops together with spices, condiments and cider proportionable."[4] Then the pious and godly missionary goes on to inform the Society for the Propagation of the Gospel that "the three former are as precious here as gold of Arabia; with them I can buy provisions."

It would be tiresome to follow this scapegoat through the mazes of a voluminous correspondence extending over ten years, the burden of which is always complaint against the people, not so much for any lack of religion, but because of a manifest unwillingness to pay him his dues. Urmstone missed his calling; he constantly complains that he has no English goods with which to trade; had these been furnished him, had he come out to Carolina as a merchant instead of a missionary, from all appearances and from his own testimony he would have grown very wealthy, and in consequence, instead of abuse he would have written home most flattering accounts of the country on which he had been able to prey. Unfortunately for the colony, during the greater part of his residence Urmstone was the only clergyman of the English Church in it. He resided in Chowan, but seems to have visited all sections. He left North Carolina suddenly in March, 1721.[5] The cause of Christianity

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[1] Col. Rec., II., 260. [2] *Ibid.*, II., 126. [3] *Ibid.*, I., 764. [4] *Ibid.*, II., 128.

[5] Col. Rec., II., 430. Anderson, *History of Colonial Church*, finds him later in Philadelphia. In July, 1721, he was in London (Col. Rec., II., 431).

had been the gainer had he never set foot within her borders. He never had a good word for the province, nor its people, nor did they have respect for him. Gov. Hyde says that his troubles were owing purely "to himself and his unfortunate temper."[1] Rainsford said that "a lazy distemper had seized him."[2] Gov. Eden expresses the hope that nothing Urmstone might have to say in his own defense would make any impression, and some of his parishioners said that he was "a very unfit missionary...his life is so wicked and scandalous, notorious drunkard and swearing and lewdness is also what he is occupied of."[3] Urmstone confesses himself that he administered the sacrament but twice in five years, and the court records show that he was punished for drunkenness and profanity.[4] The wickedness of his life is only equaled by the malignity of his hate and the acrimonious bitterness of his speech toward those whom he dislikes, and his total unfitness for his sacred office, his utter want of Christian charity, is shown when he calls the colony "a hell of a hole," and declares that he had rather be "Vicar to the Bear Garden than Bishop of North Carolina."[5]

After such a repulsive and sickening picture as this, it is a relief and a pleasure to say that there were some men among these missionaries who would do honor to Christianity in any age or country. These men were James Adams and William Gordon. They were sent out by the S. P. G., and arrived in North Carolina in April, 1708,[6] after the colony had been without a minister of the Establishment for two years. Mr. Gordon took charge of the precincts of Chowan and Perquimans.[7] In Chowan the church sadly needed repairs. The people were ignorant, "there being few that can read and fewer write"; but to the minister they

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[1] Col. Rec., I., 849. [2] *Ibid.*, I., 858. [3] *Ibid.*, II., 430, 431.
[4] Hawks, II., 127; Col. Rec., II., 401.
[5] Col. Rec., II., 374. [6] *Ibid.*, I., 677. [7] *Ibid.*, I., 680, 712.

seemed well inclined both in public and in private, "many of them being ready to embrace (as far as they could) all opportunities of being instructed."[1] This precinct was very large, but the missionary went into every part of it, baptizing nearly a hundred children, distributed some tracts and "gave some books for the use of scholars." In Perquimans he found a compact little church, "built with more care and expense, and better contrived than that in Chowan," but as yet unfinished. Here the Quakers were numerous and their attacks furious. He found it necessary to preach against them, but was as moderate as was possible in his expressions and free from harsh reflections. He was also able to show them some favors through his knowledge of medicine. These means were more successful than the "rougher methods which it seems had been formerly used with them"; for they "not only became very civil, but respectful to me in their way," and many times entertained him at their houses with "much freedom and kindness." The Quakers, no doubt, had been strangers to such things as politeness or kindness from the churchmen, and were won by it at once. In Perquimans Gordon found that even the vestry were "very ignorant, loose in their lives and unconcerned as to religion...their ill example and the want of ministers and good books have occasioned many who were better disposed, through ignorance, to join with the Quakers; being willing to embrace anything that looks like religion, rather than have none at all...some having told me they owned their first departing from the church to the ill example and imprudent behavior of their ministers."[2]

On account of the disturbed state of the province, due to the "Cary rebellion," Gordon found it expedient to return to England after four months.[3] He bore with him the testimony that he had been "universally approved"; that his "sweetness of disposition and spotless conversation" and his "practical way of preaching" had "prevailed even

[1] Col. Rec., I., 712 *et seq.* [2] *Ibid.*, I., 685.

with the very enemies of the church [Quakers] to be silent at his deserved applause."[1]

Adams was now alone, but he did not become discouraged. He settled in Pasquotank, which then included Camden, and besides this took care of Currituck.[2] There was no church in Pasquotank, but after his coming the people at once resolved "to build a church and two chapels of ease."[3] He labored faithfully for two years, although suffering "a world of misery and trouble, both in body and mind."[4] He was exemplary in life and blameless in conversation,[5] and thus kept the Dissenters, who were now in the ascendant in civil matters, from making capital out of his shortcomings, as had been done in the case of previous ministers. His work was blessed of God; he had the pleasure of celebrating the sacrament on several occasions, and administered baptism to nearly three hundred persons. His flock was steadily increasing, but they had not given him enough since his coming to pay for his "diet and lodging."[6] This treatment was disheartening and undeserved, but he labored on for a while longer. At last he realized that he must seek a lighter field of labor, where the Church was better organized and where the difficulties did not seem so insurmountable as in North Carolina. The vestries of the churches in Pasquotank and Chowan bore witness that he had been a faithful man and had "behaved himself in all respects as a messenger of the mild Jesus,"[7] and seem to have been deeply moved at his departure. His last letter comes to us dated "Va., 4 Sept., 1710." He now prays the honorable Society to change his mission to South Carolina, "where I doubt not but, by God's assistance, I shall be able to do more good";[8] but the work of the self-sacrificing and suffering missionary was ended, and the Master soon called him to his eternal home.

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[1] Col. Rec., I., 685.
[2] *Ibid.*, I., 681.
[3] *Ibid.*, I., 681.
[4] *Ibid.*, I., 734.
[5] *Ibid.*, I., 729, 730.
[6] *Ibid.*, I., 721.
[7] *Ibid.*, I., 729.
[8] *Ibid.*, I., 733, 734.

Adams was the most respectable and the most successful missionary sent to North Carolina by the S. P. G., but he arrived in troublesome times. Party contests were at their highest, the Dissenters were in possession of the government, and although a church law was in existence,[1] the churchmen could collect little under its provisions. Their private contributions were not large, and the result was that the missionary received but little for his labors. The churchmen were "a numerous and considerable body of people," but all the evidence of the records goes to show that at this period in the struggle there was little religion among them.

The wickedness and carelessness of the people was induced in part, no doubt, by the badness of the missionaries. It is due to the manhood and character of the early settlers of the State that so much good has since come from such evil examples. Had the S. P. G. sent to North Carolina more men like Gordon and Adams, men with strong moral character, sound common sense, strong will power, and not entirely selfish, the results of their labors might have been far different; as it was, the chief fruit was civil dissensions and bloodshed, culminating in foisting on the colony an Establishment which was to be a constant source of annoyance and which is directly responsible for a large share of the backwardness of the State in education and intellectual pursuits. These missionaries did not have that enthusiasm for humanity which characterized the work of the apostles of Methodism. It was necessary for them to give up all, including almost even the necessities of life, for the sake of the cause. This they could not do. They still looked and hoped for good quarters and abundant supplies, and to obtain these relied on State aid. This aid made them less self-respecting and less self-reliant; at the same time it failed to accomplish the purpose for which it had been provided, and succeeded only in irritating the Dissenters.

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[1] Col. Rec., I., 682.

CHAPTER III.

CHURCH AND STATE UNDER THE ROYAL GOVERNMENT, 1728-1776.

In 1730 George Burrington became the first royal governor of North Carolina. His instructions in regard to the Church are voluminous and indicate a purpose to provide for an Establishment. North Carolina, along with the other American provinces, had already been put under the ecclesiastical control of the Bishop of London. Burrington had the right of collation,[1] and was instructed to "permit a liberty of conscience to all persons (except papists) so as they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the government." He was directed to see that the "book of common prayer as by law established" be read each Sunday and holiday, and "the blessed sacrament administered according to the rites of the Church of England." He was to see to it that "a competent maintenance be assigned to the minister of each orthodox church"; that "a convenient house be built at the common charge for each minister," and that there be "a competent proportion of land assigned him for a glebe and exercise of his industry." The governor was not to prefer any minister to any benefice without a certificate from the Bishop of London "of his being conformable to the doctrine and discipline of the Church of England and of good life and conversation." No minister was to preach or to administer the sacrament in any "orthodox church" "without being in due orders."

The requirement imposed by the eighty-second section of these instructions is fearful in its deliberate atrocity: "And we do further direct that no schoolmaster be henceforth per-

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[1] Col. Rec., III., 70.

mitted to come from this kingdom and to keep school in that our said province without the license of the Lord Bishop of London, and that no other person now there or that shall come from other parts shall be admitted to keep school in North Carolina without your license first obtained."[1]

This clause of Burrington's instructions reproduced the essential features of the English Schism Act. This act had been passed in 1714 to supplement the Occasional Conformity Bill which was intended to exclude Dissenters from all positions of power, dignity or profit. The Schism Act was to crush their seminaries and deprive them of the means of educating their children. Lecky[2] characterizes it as one of the most tyrannical measures of the century. It provided that no one, under pain of three months' imprisonment, should keep either a public or a private school, or should even act as tutor or usher, unless he had obtained a license from the Bishop, had engaged to conform to the Anglican liturgy, and had received the sacrament in some Anglican church within the year. To prevent occasional conformity it was provided that a teacher so qualified who attended any other form of worship was to suffer the full term of imprisonment and to be forever incapacitated from acting as tutor or schoolmaster. The facility with which this act was passed shows the danger religious liberty was in during the closing years of Queen Anne. This act and the Occasional Conformity Bill were repealed in January, 1718.

This repeal only makes its re-enactment for the colony the more exasperating. School-teachers were few enough in North Carolina during the whole period of its colonial existence. Of those who did appear, some, no doubt, were Dissenters; but with fiendish atrocity the English government closes to them the avenue to greatest usefulness.

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[1] Instructions to Burrington, §§ 74-84, Col. Rec., III., 110, 111.
[2] *History of England in Eighteenth Century*, I., 103-5.

This is the greeting which the royal government sends out to the daughter rejoicing in her recent escape from the rule of the Proprietors. This was the precious heritage with which the first royal governor comes out to meet the subjects who had twenty years before boldly thrown off the rule of the Proprietors and claimed the King's protection. It seemed that the new government was to be worse than the old, for the royal government now took the lead in ecclesiastical legislation and had, unfortunately, a large following in the colony.

Burrington, when he asked the provincial Assembly to make such laws as were necessary for him to carry out the royal instructions in relation to the Establishment of the Church,[1] does not include the Schism Act in his list; nor does he mention it in the résumé of his work in his letter to the Duke of Newcastle, July, 1731.[2] This absence of all mention might indicate one of two things: either that he did not dare to undertake to enforce the Schism Act, and therefore completely ignored this part of his instructions, or (2) that there was no occasion to enforce it because of the non-appearance of Dissenting schoolmasters. But there was certainly no reason for him to bring the matter before the Assembly; no provincial law was necessary; the execution was in his own hands. The records are silent in regard to any attempts to enforce its provisions, but we have no reason for expecting such reference. That there were few schoolmasters of any kind we know well enough, and that the most of these were the missionaries of the S. P. G., and would, therefore, have the license, we know from Brickell.[3]

If we judge from the experience of the New Bern Academy in 1766, of the Edenton Academy in 1768, and of Queen's Museum in 1773, the Schism Act was enforced in 1731, provided a case came up. If it was not enforced it

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[1] Col. Rec., III., 257, 286. [2] *Ibid.*, 142.

[3] *Natural History of North Carolina*, 35, quoted in Smith's *History of Education in North Carolina*, 16.

was because Burrington knew the temper of the people too well. It is just about this time he writes that "they are neither to be cajoled or outwitted, whenever a governor attempts to effect anything by these means he will lose his labor and show his ignorance." "The inhabitants of North Carolina," he says, "are not industrious, but subtle and crafty to admiration." They always behaved insolently to their governors; "some they have imprisoned, drove others out of the country, at other times set up two or three supported by men under arms. All the governors that ever were in this province lived in fear of the people (except myself) and dreaded their assemblies."[1] We can read clearly enough in this glowing tribute to the North Carolina democracy that spirit of fear which Burrington denies. And this wholesome fear no doubt went far in mitigating the harshness of the original instructions.

Burrington found the Assembly little inclined to pass the laws necessary for him to carry out the instructions in regard to Church affairs. When he asked that this be done, the Assembly replied that it had been provided for by an earlier vestry act.[2] He obtained nothing of the Assembly of 1731, and wrote home that he could not "observe much sense of religion among them."[3] His request was renewed

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[1] Col. Rec., III., 338.

[2] Col. Rec., III., 295. Reference was had here to an act passed in November, 1729, for regulating vestries and for the better inspecting the vestrymen and churchwardens' accounts. The text has not been preserved, but it seems to have been intended as a supplement to the act of 1715. A similar request to the Assembly of 1733 elicited the reply that they thought the act of 1729, which was then under the consideration of the King, looked to the establishing of vestries, building of churches, purchasing of glebes and providing for the clergy. (III., 552, 571.) Burrington replies to this that if he understood the intended law of 1729, the "true meaning of it is that none of those good things should be effected" (600). There was considerable discussion as to the validity of this law, as it was passed just at the time of transition from Proprietors to King. (175, 176.)

[3] Col. Rec., III., 152, 339.

of the Assembly[1] of 1733, but this was equally disinclined to follow in the path marked out by the English government, and returned Burrington the same indefinite answer.

We do not know that any further effort was made by Burrington toward an Establishment. His poor success would indicate that the Dissenting element was large and powerful enough in the Assembly to prevent the enactment of extensive Church acts. The Church received certain fines,[2] and there was a poll tax of five shillings, but as this could be paid in "bill money," little more than enough was collected to pay the readers who officiated on Sunday[3] and the occasional clergyman who came out from Virginia to preach before the Assembly.[4] The Established Church had sunk very low; there was no regular clergyman in the province,[5] and those who had been there gave offense by their vicious lives.[6] We must conclude that from the standpoint of the Establishment the state of the colony was deplorable: no "orthodox clergy," no certain support from the colony, this still more uncertain in the collecting, and a numerous and aggressive body of Presbyterians, Anabaptists, and Quakers,[7] who all knew how to make the best of their opportunity.

Gabriel Johnston became governor of North Carolina in 1734, and the instructions sent to Burrington, including the church acts and the Schism Act, were renewed for his successor.[8]

Gov. Johnston was zealous for the Church. He takes care to remind the Assembly that the instructions for Establishing the clergy were already on their books.[9] He writes feelingly and eloquently in regard to "the deplorable and almost total want of divine worship throughout the province."[10] He had it "much at heart to obtain a legal Establishment of a competent maintenance,"[11] and we find that

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[1] Col. Rec., III., 541, 564. [2] *Ibid.*, III., 159. [3] *Ibid.*, III., 152.
[4] *Ibid.*, 298, 584. [5] *Ibid.*, III., 152, 394, 429. [6] *Ibid.*, III., 429.
[7] *Ibid.*, III., 48, 394, 429. [8] *Ibid.*, III., 498. [9] *Ibid.*, IV., 122.
[10] *Ibid.*, IV., 227. [11] *Ibid.*, IV., 264.

the Assembly courteously laments "the want of Publick Divine worship," but does nothing. The governor, bursting with anger because of its indifference, dissolves it (March, 1737).[1]

His zeal even leads him to gloze and hide the true state of affairs to help the Establishment. In his address to the Assembly in 1739 he says: "The establishment of the public worship of Almighty God, as it is the great foundation of the happiness of society, and without which you cannot expect His protection, deserves your earliest care. That in such a wide extended province as this is, inhabited by British subjects, by persons professing themselves Christians, there should be but two places where divine service is regularly performed is really scandalous. It is a reproach peculiar to this part of His Majesty's dominions which you ought to remove without loss of time."[2]

In this address Gov. Johnston ignores entirely the Dissenters and their work. These were neither insignificant in numbers nor in the character of the work done. Burrington wrote in 1732 and 1733 that the Quakers had four meeting-houses and were "considerable for their numbers and substance; the regularity of their lives, hospitality to strangers, and kind offices to new settlers inducing many to be of their persuasion."[3] Presbyterians were now beginning their migrations to the province, and we know that they established churches almost from the first.[4] Baptists had been in the colony as early as 1695. They were then, as now, energetic and aggressive, and a competent authority has recently said

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[1] Col. Rec., IV., 244. [2] *Ibid.*, IV., 357.
[3] *Ibid.*, III., 339, 430.

[4] Dr. Blair tells us as early as 1704 that he found a sect "something like Presbyterians" (Col. Rec., I., 602), and Adams (1709) found a few in Pasquotank "who now constantly join with us in our service" (*Ibid.*, I., 720). Other missionaries mention them also. These were English and were no doubt few in numbers. The migration of the Scotch and Scotch-Irish Presbyterians began about 1730.

that "from 1727 to 1755 the Baptists of North Carolina were the most prosperous body of Baptist Christians in the world."[1]

The object of the Governor was accomplished, however; the Council and the House of Burgesses make haste to answer his Excellency that they thought "the establishment of the worship of Almighty God in this province merits our chiefest care. We shall therefore apply ourselves to consider the most proper methods, to make farther provision for the maintaining of an orthodox clergy among us."[2] In 1741 an act for "Establishing the Church, for appointing Parishes, and the method of electing Vestries, and for directing the Settlement of Parish Accounts," was passed. Under its provisions the province was divided into sixteen parishes. The inhabitants of each were to choose their own vestry, who were to subscribe to a declaration not to oppose the liturgy of the Church of England as by law established, under penalty of £3, unless a known Dissenter. The vestry could raise money not exceeding five shillings proclamation,

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[1] Dr. William H. Whitsitt, of Louisville, Ky., in his address at Wake Forest College, June, 1888. Knight, *History of General Baptists*, says there were individual Baptists in North Carolina as early as 1690. Morgan Edwards puts the date 1695, and this has been adopted by Benedict and Sprague. We find no mention of them in the records until 1714, when John Urmstone said that there were two Anabaptists among his vestrymen (Col. Rec., II., 131, 304). It is usually said that the first Baptist church was organized in Perquimans county in 1727 by Paul Palmer, a native of Maryland, who was in North Carolina as early as 1720, when he was indicted for theft and abduction, but acquitted (*Ibid.*, II., 406, 409, 410, 411, 415, 471). In 1729 his church had thirty-two members, consisting chiefly of those who had been members of a Baptist church at Burleigh in Virginia (Sprague, *Annals*, VI., xiii). But Dr. Whitsitt reverses this and suggests that Palmer was attracted to North Carolina because there were a good many Baptists there already, and that the Baptists of lower Virginia were derived from those of North Carolina, for the latter, 1727-1755, were prosperous, aggressive and flourishing, the former few and weak.

[2] Col. Rec., IV., 358.

per poll, under penalty of distress and sale of goods; they had power to build churches, purchase land for glebes, erect suitable buildings thereon and keep them in repair. They were to employ a minister "qualified according to the ecclesiastical laws of England," at not less than £50 a year, and had power to dismiss him for cause. All former ecclesiastical acts were repealed.[1]

There seems to have been considerable activity about this time in ecclesiastical legislation. A bill for an "Act for Liberty of Conscience" was presented to the Legislature of 1740,[2] but failed in passage, as it does not appear in Swann's Revisal. Whether it was a virtual re-enactment of the Liberty of Conscience Act of 1715 we do not know, but its defeat seems to have had a purpose, as we shall see in the case of Borden, the Quaker.

As the regular poll of five shillings was not enough for erecting houses of worship, the commissioners of certain towns were allowed by private acts to lay a special tax for the use of that parish in completing churches already begun. This was done in New Bern, Edenton, and Wilmington. For the New Bern church the tax was 1s. 6d. on the tithable for two years, and persons not paying were to forfeit 4s., besides costs. Sums subscribed were considered promissory notes, and in 1751 the sheriffs of Johnston and Craven were given power to levy by warrant on those who had not paid this tax.[3]

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[1] Swann, Revisal of the Laws, 156 *et seq.*, ed. 1752. It will be noticed that this act is, with transpositions and verbal alterations, the same as the act of 1715 except that the iron-clad recognition of the divine right of kings is no longer inserted, indicating growth along democratic lines, and that the minister is subject to the vestry. The case of the poor was also put into the hands of the vestry, and funds for their support came from the general levy for church purposes. For the civil functions of the parish in colonial North Carolina, *cf.* Howard, *Local Constitutional History of the United States*, I., 129-134.

[2] Col. Rec., IV., 514.

[3] Swann's Revisal, 108, 111, 346, 348, ed. 1752; Davis's Revisal, II., 121, 133, ed. 1765. As was a usual thing in those days, we find that

The act of 1741 was the only general church act passed during Johnston's administration. It levied only a poll tax, the most unjust and burdensome of all taxes, but from the efforts to secure another law we may feel sure that it gave little satisfaction even to the Churchmen. Their attempts were renewed with the Assembly which met in September, 1741, but Moir says he soon discovered that "nothing was to be done for a proper encouragement of an established ministry."[1] Garzia says they would pay him only £37 10s., the least allowed by "a new law."[2] Moir who is only outgrowled by Urmstone, says that his salary is very ill paid and that "the essential branch of the constitution of this province is to do as little justice as possible to creditors."[3] Besides, he was paid in rated commodities of which he could not dispose. In 1746 the secretary of the S. P. G. writes Gov. Johnston in regard to the encouragement that can be given if more missionaries are sent out;[4] but Moir saw no hope.[5] He says many had turned Baptists for want of clergymen, while others were "much inclined to encourage missionaries, and often complain of their being pestered with sermons of Baptist teachers, whom I always found to be as grossly ignorant as those they pretend to teach."[6]

Johnston exerted himself steadily in the interests of the Establishment. In his address to the Assembly in 1749 he points out the "want of a sufficient provision for maintaining the public service,"[7] and urges that this be remedied. A bill for establishing the Church, erecting schools, etc., was introduced in 1752,[8] but failed. It may be that the school clause was attached as a rider to secure the votes of Dissenters, but if so, the scheme did not work.

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the churches at Wilmington and Brunswick were finally finished by the aid of a lottery. (Col. Rec., VI., 507, 508, 511; *cf.* also Davis, Revisal of 1765, II., 213.)

[1] Col. Rec., IV., 603. [2] *Ibid.*, 604, 606. [3] *Ibid.*, IV., 754.
[4] *Ibid.*, IV., 794. [5] *Ibid.*, IV., 791. [6] *Ibid.*, IV., 878.
[7] *Ibid.*, IV., 1009, 1027. [8] *Ibid.*, IV., 1321, 1322, 1337, etc.

The death of Johnston in 1752 had no effect on the establishment of the Church. He was succeeded by Arthur Dobbs. The instructions of Dobbs were sent over in 1754.[1] It is interesting to compare the steady and stubborn opposition to an Establishment as manifested by the Dissenters, with the thoughts and desires of the authorities at home. In 1730 they had instructed Burrington to enforce the infamous Schism Act, a leading cause for the backward state of the province in education. In 1733 these instructions were renewed to Johnston. After twenty years of conflict with the colonists the home authorities are no wiser than before, and in 1754 renew their old instructions, including the Schism Act. It is evident that the home government was doing all in its power to restrict the growth, development and liberty of the colony; but if they expected the Dissenters there to be behind those in England they found themselves mistaken.

Dobbs began work for the Establishment at once. In his message to the Assembly of 1754 he recommends the providing a proper fund to support a sufficient number of learned, pious clergymen, who were to reside in the province. They were to be accommodated with houses, glebes and parish clerks, "to enable them to instruct the inhabitants and the rising generation in the principles of true religion and virtue."[2] An act to this effect was passed by this Assembly, but was repealed by proclamation,[3] although Dobbs writes that he thought it for the interest of both king and colonists "to get so good an establishment immediately fixed, considering the number of sectaries who are against all establishments, and the danger of their increasing if we don't fix a parochial clergy."[4]

This was but the beginning of a triangular fight between Dissenters, democratic Churchmen, and supporters of the rights of the Crown. The ecclesiastical history of the next ten years is of interest chiefly because of the stubborn

[1] Col. Rec., V., 1136, 1137. [2] *Ibid.*, V., 213, 216.
[3] Davis's Revisal, II., 34, ed. 1765. [4] Col. Rec., V., 332.

resistance to the enforcement of church laws by the Dissenters, the stubborn determination of the Churchmen to have an establishment with the right of presentation and the steady opposition of the Crown to both parties. In 1755 a proposition to purchase glebes met with failure.[1] The next year a recommendation for the support of clergy had the same fate.[2] In 1758 an act making better provision for the clergy was passed. It was repealed and included in the more comprehensive law of 1762.[3] An act making provision for an orthodox clergy was passed in 1760 and repealed.[4] The same year a vestry act was made, proved unsatisfactory, and was repealed; an act allowing separate parishes to elect vestries was passed, but it depended on the general vestry act, and so fell through.[5] The same was the case in 1761.[6] We must conclude that whatever legal allowance there may have been remained practically useless for lack of officers to collect it.[7]

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[1] Col. Rec., V., 527. [2] *Ibid.*, V., 660, 662.
[3] Davis's Revisal, II., 142, ed. 1765. [4] *Ibid.*, 182.
[5] Davis's Revisal, II., 211, ed. 1765. [6] *Ibid.*, II., 224.
[7] Col. Rec., VI., 57, 234, 977; Davis's Revisal, 182, ed. 1765. It is worthy of remark that the salaries given these missionaries were doubtless superior to what the same class of men received in England. In 1754 the salary was £50, proclamation, equal to £30 sterling. In 1756 it was fixed at £80. In 1762 it reached the high-water mark, £133 6s. 8d., worth £75 to £82 sterling. It remained at this figure, which in 1767 was worth £60 to £65 sterling. (Col. Rec., VII., 493; *cf.* note to *The Religious Development in the Province of North Carolina*, 38. Adam Smith says that in 1776, £40 was reckoned very good pay for a curate.) But it is probable that they did not receive all collected for them under the law, for it was sometimes found necessary to appropriate the funds that had been set aside for school and church purposes to pay the costs of the French and Indian war. (*Cf.* Col. Rec., V., 573; VI., 150, 153. *Cf.* also Smith's *History of Education in North Carolina*, 40.) McConnell, *History of American Episcopal Church*, says that while the colonial legislatures could not disestablish the Church, they could and did pass such laws as made it more than useless. But as the Legislature of North Carolina, prior to 1701, had, by ignoring, prevented an Establishment, we may conclude that they might have continued the same policy to 1776 had they desired.

In 1762 it was found that there was not sufficient maintenance for the clergy, and a new bill was passed. Under this law the minister was to receive a salary of £133 6s. 8d., proclamation money. He was to have in addition regular fees for marrying, publishing banns, and granting certificates, and for funeral sermons; he could demand and receive these perquisites, if he had not neglected or refused to perform the service, although another had actually officiated. The law made provisions for a glebe, and suitable houses were to be erected thereon; the sole right of presentation remained in the vestry, and a minister might be removed for cause by the Governor, with the advice of the Council.[1]

This act seems to have been repealed at once by proclamation; for missionary Reed writes in June, 1763, that "the clergy are still destitute of any legal provision or encouragement";[2] and Governor Tryon recommends in 1765 the re-enactment of the law of 1762, without the objectionable clause relating to presentation, which was done.[3]

The central cause for all this trouble was the right of presentation to livings. The authorities in England were zealous for the supremacy of the Church and the Crown, and wished to retain it, while the democratic temper of the colonial Churchmen made them equally determined to secure it for the vestry, and caused them to clog their bills "with objections incompatible with the rights of the Crown and the ecclesiastical jurisdiction."[4] They excluded the Bishop from examining and correcting abuses, and the right of appeal was taken from the Crown. "After all these provisions," writes the Bishop of London in regard to the Act of 1754, "what becomes of the king's supremacy or the bishop's jurisdiction?"[5] He thought this model of government might have come from the Presbyterians and Independents of New England. He was astonished to see

[1] Davis's Revisal, II., 279, ed. 1765. [2] Col. Rec., VI., 990, 999.
[3] Davis's Revisal, 338, ed. 1773.
[4] Col. Rec., VI., 10, 81, 223; VII., 103. [5] *Ibid.*, VI., 10.

such a statute in the laws of North Carolina, "where conformity is so strongly insisted on" that each vestryman is compelled to subscribe to the same declaration as is required of clergymen in England.[1]

So keen was this jealousy on the part of the home government that the Rev. Alexander Stewart, missionary at Bath, writes in 1760 that within the last six years four acts for electing vestries and supporting the clergy had been passed only to be repealed by the authorities at home because unsatisfactory. To prevent the Church law that was enacted in 1760 from being repealed by proclamation, it was necessary to divide the clauses relating to vestry and clergy, and to pass them separately.[2] These were then referred to the Bishop of London. It was not enough for him that the vestrymen should take the oath of abjuration and subscribe the Test Act. The declaration required, a simple promise not to oppose the Church of England as by law established, he correctly claimed, might have been taken with equal propriety by Presbyterian, Anabaptist, Independent, Quaker, Jew, or pagan. The bishop demanded that the vestry be required to subscribe to the declaration of conformity laid down by the vestry act of 1755.[3] He objected that there was no means provided for the minister to recover dues in case of refusal of payment, and the section in regard to the removal of the minister, he said, tended to take away "the little remains of ecclesiastical jurisdiction, if any is left in that province." The law was repealed.[4]

These squabbles had a very baleful influence on the fortunes of the Establishment. It was difficult to get a church

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[1] Col. Rec., VI., 12; *cf* also IX., 83, where the same language is used with reference to a law then before the Bishop for examination. This law also took the presentation from the Crown and put the government into the hands of the vestry.

[2] Col. Rec., VI., 242.

[3] This act was passed at the Dec.–Jan. meeting, 1754–55.

[4] Col. Rec., VI., 714, 721, 722, 723; VII., 224.

law at all, and when such as could be secured were repealed by proclamation, the colonial clergy were left without resources. In 1758 they felt it necessary to petition the Legislature for better support.[1] In 1762 Dobbs writes that their number is diminishing;[2] in 1764 there were but six orthodox clergymen in the province, "four of which are pious";[3] and to this lack of "an orthodox and pious clergy" the Assembly of 1758 ascribes much of the great immorality and profanity in the lives and manners of many of the people.[4]

Not only was the jealousy of the home government to be met by the Churchmen, but also the aggressive attacks of the Dissenters who wanted no establishment at all. Between these two antagonists the way of the colonial Churchman was hard, and the life of an ecclesiastical law hung by a slender thread. Further, the Establishment became relatively weaker as population increased, for nearly all of this incoming population was made up of Dissenters.[5] In 1760 we have a summary of dissent from the Rev. James Reed: "Great number of Dissenters of all denominations came and settled amongst us from New England particularly, Anabaptists, Methodists, Quakers, and Presbyterians; the Anabaptists are obstinate, illiterate, and grossly ignorant; the Methodists ignorant, censorious and uncharitable; the Quakers rigid; but the Presbyterians are pretty moderate, except here and there a bigot or rigid Calvinist. As for Papists, I cannot learn there are above nine or ten in the whole county. I have estimated the number of infidels and heathens to be about one thousand."[6]

In the next year we find him complaining that the special study and endeavor of these Dissenters was to render

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[1] Col. Rec., V., 1062, 1063, 1067.
[2] *Ibid.*, VI., 709.
[3] *Ibid.*, VI., 1027.
[4] *Ibid.*, V., 1095.
[5] Moir thought that this "inundation of sectaries" was due largely to the lack of proper vestry acts, since the generality of the inhabitants were "much inclined to the offices of our church." (Col. Rec., VI., 995.)
[6] Col. Rec., VI., 265.

the ministers and liturgy of the Church of England as odious as possible, that they and their doctrines might meet with a better reception.[1] This seems to have been the case, for they took advantage of the technicalities of the acts to become vestrymen, and thus succeeded in making the laws null and void. They combined to elect only such vestries as would be favorable to their interests.[2] These vestrymen performed their civil duties and calmly ignored their ecclesiastical functions, and this they could do under their oath. In Rowan county they refused to qualify, and obstructed business.[3] Dobbs could not get a vestry to lay a tax for building purposes;[4] others threatened to dock the minister if he ever absented himself,[5] and the steady purpose of all vestries was to make the minister dependent on themselves.[6] They so hindered in various ways the raising of money that Dobbs thought it necessary to propose that clergymen be paid out of the common funds of the colony.[7]

This is probably the best way to explain and apologize for the vestry act of 1764, the severest of all the acts against the Dissenters, and which has as the only feature to redeem it from total infamy the exasperating circumstances in which the colonial Churchmen found themselves. The church acts were so displeasing that many electors refrained from going to the polls, and so took no part in the elections. To stop this practice the act provided that all qualified electors (except Quakers) should appear and vote for vestrymen, or incur a fine of twenty shillings, proclamation. In times past many of the vestry had neglected or refused to qualify.

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[1] Col. Rec., VI., 595. [2] *Ibid.*, VII., 241.

[3] Col. Rec., VIII., 202, 217, 218, 221, 503. Mr. Drage, the Episcopal minister, had a hard time in Rowan. The persons on the list returned for vestrymen declared that "they would not qualify, that they had thus kept the church out for years, and hoped to do so perpetually, with much impudence and impertinent threats. . . . They said it was their opinion every one ought to pay their own clergy, and what the law required was a constraint."

[4] *Ibid.*, VI., 33. [5] *Ibid.*, VI., 563. [6] *Ibid.*, VI., 715.

[7] *Ibid.*, V., 870; *cf.* also VI., 990.

They were now required to subscribe a declaration not to oppose the doctrine, discipline and liturgy of the Church of England as by law established; and a vestryman-elect refusing to qualify, "if he be a known Dissenter from the Church of England," was to forfeit £3. The vestry were to lay a poll of ten shillings or less for building churches, paying the salary of ministers, clerks and vestries, purchasing glebes and erecting suitable houses thereon, encouraging schools and maintaining the poor, and this tax could be collected by distress.[1] This act was to last for five years. It made the minister a member of the vestry, which had not been the case formerly and had caused much dissatisfaction. We have little comment on this law, but we can judge from the character of the complaints that have come down to us that it was regarded with the bitterest hostility.

William Tryon succeeded to the work left unfinished by Dobbs. In 1765 he recommends the re-enactment of the law of 1762, without its objectionable clause, and adds: "If I have pointed out any consequences that are likely to attend the continuance of the neglect of our religion, I hope no persons of a different persuasion will imagine I am an enemy to toleration. I profess myself a warm advocate for it in the fullest sense of his Majesty's indulgence, yet I must inform them I never heard of toleration in any country made use of as an argument to exempt Dissenters from bearing their share of the support of the established religion."[2] Tryon professes himself in the beginning a strong supporter of the orthodox church, and well he might be, for in his instructions sent over in 1765 the sections relating to the Church and the infamous Schism Act are again renewed.[3]

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[1] Davis's Revisal, II., 315, ed. 1765; *cf.* also ed. 1773, 434. The act of 1764 was changed in 1768 so as to include all persons under the penalty for refusal to qualify as vestrymen and was re-enacted for five years.

[2] Col. Rec., VII., 43.

[3] *Ibid.*, VII., 137. The Schism Act is §106 of Dobbs' instructions.

But the mere statement of the Schism Act was not all. We have seen what a difficult thing it was to procure school advantages of any sort under the royal government. At last a school-house was finished in New Bern. In 1766 Mr. Reed writes that "it is a large and decent edifice for such a young country, forty-five feet in length and thirty in breadth, and has already cost upwards of £300, this currency."[1] There was now to be a struggle for the enforcement of the Schism Act. The upper house insisted that a clause excluding all Dissenters from teaching in the school be inserted.[2] The Churchmen won in the struggle, and the Schism Act was enforced in North Carolina in 1766.[3]

Two years later the battle was fought again over the Edenton Academy. The lower house was democratic and liberal in its tendency. The Council was the opposite, and addresses them: "We observe that you have *deled* the following clause, viz. 'Provided also that no person shall be admitted to be master of the said school, but who is of the Established Church of England and who at the recommendation of the trustees or directors or the majority of them

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[1] Col. Rec., VII., 241. [2] *Ibid.*, VII., 316, 392.

[3] While we have no direct testimony as to the influence of this act on the patronage of the school, we know that a considerable proportion of the pupils of Dr. Caldwell's school came from this section of the province; *cf.* Smith, *History of Education in North Carolina*, 41, quoting Caruthers' *Caldwell*, 30. After studying the explanation and defense made of this act by the writers in *Church History in North Carolina*, 171, 176-179, I am unable to see it in any other light than that given above. The New Bern school, if started on the church basis, became a public institution by accepting the duty on rum. The school at Edenton had no public aid, but *could not get a charter without this clause*; and Queen's Museum could not get one with the clause, because it was Presbyterian in sentiment, and such a charter would add "encouragement to toleration." Were these three acts independent of the former history of the colony it might be possible to explain them, but they are all in direct accord with the instructions of Governor Tryon, and these instructions had been unchanged since 1730. Hence we naturally conclude that they were a part of a deliberate policy.

shall be duly licensed by the governor or commander-in-chief for the time being.' Which clause we propose *stetting*."[1] The Commons objected and prayed that the bill be passed as it left them.[2] They won, and the bill was vetoed by the governor, "not esteeming the words 'with the approbation of his Excellency the governor or commander-in-chief for the time being'" as equivalent to the restrictions quoted above.[3] The school got no charter until 1770 and then with the restrictive clause inserted.[4]

We need not be surprised, then, when we find that North Carolina hated the Establishment and all it implied. We can understand the meaning of the words when Tryon writes that the people were "uneasy under the provisions of the clergy bill,"[5] that the citizens of Pitt seemed "as jealous of any restraint put on their consciences" as they had recently shown themselves of that put on their property,[6] and that the men of Mecklenburg thought an Establishment "as oppressive as the Stamp Act."[7] This was but the prelude to that drama of which the last scenes were to be enacted at Guilford Court House and Yorktown.

But not even all these rumblings of discontent served to warn the infatuated British government of the folly of its course. In 1771 they renew in their instructions to Governor Martin the clause relative to the Schism Act.[8] It is very probable that in the formal instructions to a colonial governor, renewed at uncertain intervals, some of the phases of these laws should escape the attention of the authorities, but they were none the less real and burdensome to the citizens of North Carolina, as they were soon to discover to their cost.

In 1771 the Assembly chartered Queen's Museum in Charlotte, an institution for higher education, of which

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[1] Col. Rec., VII., 598. [2] *Ibid.*, VII., 600. [3] *Ibid.*, VIII., 6.
[4] Davis's Revisal, 478, ed. 1773.
[5] Col. Rec., VIII., 14. [6] *Ibid.*, VII., 261.
[7] Rev. Andrew Morton to S. P. G., Col. Rec., VII., 253.
[8] Col. Rec., VIII., 514.

Governor Tryon says the necessity was obvious. The promoters of the movement yielded so far as to provide that the president should be of the Established Church and licensed by the governor, but the fellows, trustees and tutors would be, for the most part, Presbyterians. On this question the Board of Trade writes the King that "from the prevalency of the Presbyterian persuasion within the county of Mecklenburg we may venture to conclude that this College... will, in effect, operate as a seminary for the education and instruction of youth in the principles of the Presbyterian Church. Sensible as we are of the wisdom of that tolerating spirit, which generally prevails throughout your Majesty's dominions... still we think it our duty to submit to your Majesty, whether it may be advisable for your Majesty to add encouragement to toleration by giving the royal assent to an establishment, which in its consequences promises with great and permanent advantages to a sect of Dissenters from the Established Church who have already extended themselves over that province in very considerable numbers."[1] The recommendation of the Board of Trade was accepted and the King repealed the charter of Queen's Museum in 1773.[2]

This is the third time, at least, that the Schism Act was enforced in North Carolina after its repeal in England. There was less freedom of education in North Carolina in 1773 than in 1673; a more rigid conformity was required in the province than in England. This was injustice and intolerance, persecution and tyranny. The history of colonial North Carolina is a continual struggle against a government which sought to repress all aspirations whether political, religious or intellectual; for her the War of Independence was not a Revolution only; it brought with it a Reformation, and made possible a Renaissance.

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[1] Col. Rec., IX., 250.

[2] *Ibid.*, IX., 596, 665; *cf.* Davis's Revisal, 455, 501, ed. 1773; *cf.* also Dr. Smith's *History of Education in North Carolina*, 32, 33.

But the enforcement of the Schism Act was not all with which the soul of the Dissenter was vexed. In no way was the petty meanness of an Establishment brought out more clearly than in the regulations concerning marriages. An act of 1669 had made marriage a civil contract, for lack of clergy.[1] By the vestry act of 1715 magistrates were empowered to perform the ceremony "in such parishes where no minister shall be resident."[2] In 1741 a special marriage act was passed. By this act the performance of the marriage ceremony was confined to clergymen of the Church of England, and, for want of such, to magistrates; and the minister serving the cure of any parish was to have the marriage fee whether performing the ceremony or not, "if he do not neglect or refuse to do the service thereof." This was the formal re-enactment of a clause of the vestry act of 1715. There is no recognition of the rights of Dissenters in this law, unless we can call the clause forbidding them to marry whites to negroes and Indians a recognition.[3] It is true that in this, as in the former cases, the Assembly did not undertake to give this right to the clergy, but simply recognized it as resting on prescription. But they might have granted this right to Dissenters as they proposed doing in the act of 1770. The Quakers seem to have been allowed to marry after their own fashion from the first, and why not allow this right to Presbyterians and Baptists?[4] But by this act their preachers

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[1] Col. Rec., I., 184. Fisher, *History of Christian Church*, 437, shows that the Puritans had early solemnized marriage as a civil contract only. But on top of this Doyle can say, *The English in America*, I., 453, that the acts of 1669, of which this was one, tended to make North Carolina "an Alsatia for ready and profligate adventurers." What should the people have done since they had no ministers—forbidden marriage and produced concubinage?

[2] Col. Rec., II., 212. [3] Swann's Revisal, 127-130, ed. 1752.

[4] *Cf. Church History in North Carolina*, 68, 69. The Quakers had been organized now for sixty-five years, and there were certainly dissenting preachers in the colony. Besides, this law refers not only to the year 1741 but equally to the next twenty-five.

were debarred from performing the ceremony even among their own flocks. They were thus put to grave inconvenience, and the law of 1766 recites that the Presbyterians refused to consider themselves as bound by its provisions. This law made dissent burdensome and humiliating; it put a premium on conformity; it was religious persecution.

The next feature of the marriage question was developed during the discussion of the clergy bill of 1762. The governor and Council tried to force on the lower house a clause by which it was enacted that "no Dissenting minister of any denomination whatsoever shall presume on any pretence to marry any person, under the penalty of forfeiting £50." The law does not seem to have been successful,[1] but it is a clear statement of the tendency of the act of 1741, and shows the position of a certain element in the province.

There was no new marriage act between 1741 and 1766. The former had sought to prevent all Dissenters from celebrating the rite; but the Presbyterians did not consider themselves as coming under its provisions, and had joined couples without either license or publication. By the act of 1766 these marriages were legalized, and it was made lawful for any Presbyterian minister "regularly called to any congregation" to celebrate the rites of matrimony "in their usual and accustomed manner, under the same regulations and restrictions as any lawful magistrate." These marriages were always to be by license, and the minister of the Church of England was to have the marriage fee in all cases, unless he refused to perform the same.[2]

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[1] Col. Rec., VI., 881, 952, 954.

[2] Davis's Revisal, 350, ed. 1773. It was proposed (Col. Rec., VII., 411) to limit this law to three years, which was not done. It provided for no Dissenters *except Presbyterians*. But it seems that the original intention was to cover the case of all Dissenters. The second section probably read "dissenting *or of the dissenting Presbyterian clergy*." The clause in italics was stricken out and the phrase "dissenting or Presbyterian clergy" took its place, thus excluding all Dissenters except Presbyterians. (*Ibid.*, VII., 329, 331, 411.) That this is the proper interpretation is evident from the

This law showed no favor to Dissenters other than Presbyterians. They got no recognition at all, and were, according to Tryon's fashion of looking at things, "enemies to society and a scandal to common sense."[1] We are to understand, moreover, that the Presbyterians were not thus favored out of any sense of justice and right, but because, as Governor Tryon writes, under the circumstances it could not "be of any real prejudice to the Established Church, especially as the marriage fee is reserved to the ministers of the parish."[2]

The law was liked little by the Presbyterians. It made no provisions for their missionaries who were laboring on the outskirts of the province but not in regular congregations. Those of Mecklenburg considered themselves "highly injured and aggrieved" by this law, "the preamble whereof scandalizes the Presbyterian clergy."[3] The Presbyterians of Tryon county were "much aggrieved" by this act. It took from them a privilege "which a million of our fellow-professors in America now enjoy...neither was it ever taken from Dissenters in America until it was taken from us by this act, of which we now complain."[4] The people of Anson petitioned against it,[5] and the manly protest from the inhabitants of Orange and Rowan claims that the right of "dissenting ministers" to perform the marriage ceremony after their own fashion was "a privilege they were debarred of in no other part of his Majesty's dominions; and as we humbly conceive a privilege they stand entitled to by the Act of Toleration, and, in fine, a privilege

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phrase "Presbyterian or dissenting clergy" in one section, and as an equivalent of it in the next "Dessenting or Presbyterian Clergy." The protests mentioned later indicate the same thing. This act remained in force until April, 1778. *Cf.* Laws of 1778, chap. 7.

[1] *Our Living and Our Dead*, III., 633. *Cf.* also Col. Saunders in Prefatory Notes to Col. Rec., VIII., xlv.

[2] Col. Rec., VII., 432.

[3] *Cf.* their petition for its repeal in Col. Rec., X., 1015.

[4] Col. Rec., VIII., 80*b*. [5] *Ibid.*, VIII., 78.

granted even to the very Catholics in Ireland and the Protestants in France."[1]

The Churchmen could not wholly resist the pressure against this law. In December, 1770, an act was passed, but with a suspending clause, allowing *Presbyterian ministers* the right to celebrate marriage by publication of banns or by license, *without "the payment of fees to the incumbent of the parish."*[2] It is interesting to note with what satanic disregard of the rights of man the leaders in the Establishment can write. Says Reed: "The bill was pushed by the dissenting interest, and [because of] the dangerous situation of the province from such a formidable number of malcontents [Regulators], the governor acted with the greatest prudence in passing the bill with a suspending clause....Should this act receive the royal assent it would be a fatal stroke to the Church of England, but as the insurrection is entirely quelled, I flatter myself with hopes that the act will meet with a repulse."[3] Again the Board of Trade writes that this regulation appears to act as "a bounty to the tolerated religion"; they add their petition for its disallowance,[4] and his Majesty graciously listens to the advice of his councilors, and his subjects in the wilds of Carolina were left without remedy. Not until the Revolution and the Constitution of 1776 had swept away the Establishment did the dissenting clergy have the legal right to perform the marriage ceremony.[5]

But the ills under which the colony suffered were not borne in silence, for the petition from Rowan and Orange, which I have just quoted, was presented to Governor Tryon

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[1] Col. Rec., VIII., 82.

[2] Act in Col. Rec., IX., 7; *cf.* Davis's Revisal, 480, ed. 1773; *cf.* also Col. Rec., VIII., 297, 300, 322, where a committee on the laws argues strongly in favor of its passage.

[3] Col. Rec., IX., 6. [4] *Ibid.*, IX., 7, 248, 251, 284, 366.

[5] This was secured by the act of 1778, where "all regular ministers of the Gospel of every denomination" were so authorized; *cf.* Iredell's Revisal, 354.

by Herman Husband, the leader of the Regulators.[1] It embodied the grievances against which those counties were complaining. The lack of religious liberty occupies a conspicuous place in the complaints of the inhabitants of Tryon, Rowan, and Orange counties, and the fight at Alamance, on the sixteenth of May, 1771, the first pitched battle of the Revolution, was not a struggle for civil liberty only; it was equally a struggle for religious liberty. The beginnings of the Establishment in North Carolina were marked by the "Cary Rebellion"; the struggles against it were continuous, and the close of its career follows hard on the War of the Regulation and the battle of Alamance.[2]

Again, the injustice of an Establishment was shown in the laws relating to mustering, and in this all Dissenters were concerned. The clergy of the Church of England had been exempted from this duty as early as 1746 at least; but not until 1764 were Presbyterian ministers, and then only those who were "regularly called to any congregation," exempted from service.[3] As early as 1755 an attempt

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[1] Swain, War of Regulation, in *North Carolina University Magazine*, IX. (1859-60), 339.

[2] The writer does not claim that the lack of religious freedom was more than one of a number of causes of the War of the Regulation. But he cannot agree with the hostile attitude assumed toward the Regulators by Colonel A. M. Waddell in his *A Colonial Officer and His Times*, 130 *et seq.* Governor Tryon is reported to have said that the Regulators were a faction of Quakers and Baptists who were trying to overturn the Church of England. All the Baptist historians, Morgan Edwards, *History of North Carolina Baptists*, George W. Purify, *History of Sandy Creek Association*, R. I. Devin, *History of Grassy Creek Church*, have taken pains to disclaim participation in this movement by their coreligionists, and to condemn the few Baptists who were engaged in the movement as if it were a heinous crime; but this is unnecessary, for the Baptists do not seem to have done much for religious liberty in North Carolina. Religious freedom was represented in the earlier half of the struggle by the Quakers, and in the later half by the Presbyterians.

[3] Swann's Revisal, 215. Davis's Revisal, 310, ed. 1765.

had been made to get a law exempting Quakers, but it was opposed by the Council, who offered to substitute in place of the regular equipment of the soldier that of the pioneer,—axe, spade, shovel or hoe.[1] This failed to become law; but by the terms of a special act passed in 1770 for five years the Quakers were released from attendance on general or private musters, provided that they were regularly listed and served in the regular militia in case of insurrection or invasion.[2] There seems to have been no general law of exemption for ministers. Presbyterians and Quakers were favored by special enactment, while Baptists were simply ignored.

The Quakers met with trouble in another way bearing on our subject. This was the question of the affirmation. Under the North Carolina act of 1715 every Quaker who was "required upon any lawful occasion to take an oath in any case" was permitted to make his affirmation instead.[3] It seems this was intended to meet all conditions, for the preamble recites that the oath was to be taken in "courts of justice *and other places*." We have no record of conflict under this law, but it would seem that the defeat of the liberty of conscience act in 1741 indicated a change in public opinion for the worse; and while there is nothing in the records of the Quakers to indicate that they were to be singled out, we have one case of persecution which comes under this rubric. In 1747 William Borden appears as a member of the Assembly duly elected from the county

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[1] Col. Rec., V., 269, 291, 506, 538.

[2] Davis's Revisal, 455, ed. 1773; *cf.* also the acknowledgment of the Quakers in Col. Rec., IX., 176. Because of their peculiar views the Quakers suffered about as much from military fines as from tithes. In the Revolution this became heavier. In 1778 they paid £1913:9:2 in military fines, in 1779 it amounted to £2152:5:10, and in 1780 to £841:15:7, "good money, silver dollars at eight shillings." The writer does not think that the injustice came in here in requiring Quakers to bear arms, but in the fact that their preachers were not exempted from this duty, as the clergymen of the Establishment were.

[3] Col. Rec., II., 884.

of Carteret. He informed the authorities that he was a Quaker and "therefore desired his solemn affirmation might be taken," which he evidently expected to be done. This affirmation a committee of the Council appointed to qualify the members of the lower house refused to receive, and a new election for a successor to Borden was ordered.[1]

We may summarize the work done so far by saying that in 1776, by a slow and laborious process, some recognition of Dissenters had been wrung from the Churchmen. This recognition was confined to Presbyterians and Quakers; while the Baptists, although strong and vigorous, were entirely unrecognized.[2]

There was little direct persecution in North Carolina. There was no opportunity for it under the existing laws, and the Dissenters were aggressive and powerful. The manuscript records of the Friends show perfectly conclusively that while they suffered distraint for tithes and military levies, they were not imprisoned. They suffered no bodily violence. We have found no case, save that of Borden, where they were deprived of office because of religious views. But Dissenters were not prominent as officeholders during the royal period. They seem to have reached no higher than the lower house of the Assembly. They were, perhaps, never in the Council, and we may be certain that no Dissenter could have been appointed to the governorship, as had been done under the Proprietors. There was more religious liberty at the beginning than at the close of the colonial life of North Carolina, but there is no well authenticated case of bodily persecution in our annals, unless we count the imprisonment of the Quakers who refused to

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[1] Col. Rec., IV., 855–857.

[2] There were Methodists in the province as early as 1760 (Col. Rec., VI., 264, 565, 594, 1047, 1060; VII., 97, 102), but they had not yet been differentiated from the Established Church; *cf. The History of Methodism in North Carolina in the Eighteenth Century*, now in preparation by Mr. Robert H. Willis.

bear arms in 1680 as such, and this seems to have been more political than religious in its character.[1]

The persecution in North Carolina was indirect; men were not put in jail, but they were harassed and subjected to injury and loss in other ways.

(1) They were required to pay tithes, and thus help to support a clergy other than their own. The fact that these laws were passed by natives of North Carolina, rather than by the British government, does not relieve the odium of

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[1] This brings us to the much-disputed case of the Baptists in New Bern. On June 20, 1740, we find a "sect of dissenting people called Babtists" petitioning for the liberty to build a house of worship, "they desiring to preach among themselves." The petitioners were duly examined before the court and acknowledged "all the articles of the Church of England except part of the 27th and 36." The matter was referred. When it came up in the afternoon, parties "made oath to several misdemeanors committed by the s^{d} Petitioners contrary to & in contempt of the laws now in force. Upon which it was ordered by this court the s^{d} Petitioners be bound by Recognizance for their appearance at the next court of assize and Goale delivery to be held at this Town then & there to answer to such things as they shall be charged with and in the meantime be of Good behavior to all his Majesties Liege People." John James, William Fulsher, Francis Ayers, Lemuel Harvey, Nicholas Purify and John Brooks forthwith appeared and gave bond, dividing the securities among themselves. The petition came up again in September and was granted. This much is clear and nothing more. But about 1879 Rev. John T. Albritton made the statement that Baptists had been whipped in New Bern. It was denied. He asked the editor of the *New Bern Journal* to look the matter up. This was done, and, Sept. 6, 1883, the *Journal* printed an editorial in which it is stated that when Baptists applied in 1741 for the privilege of building a church, which they could do under the Toleration Act (this act required that the meeting-houses of Dissenters be registered. The Presbyterians of Rowan registered theirs (Col. Rec., VIII., 227, 507), and in 1758 the Quakers concluded to have theirs registered), they were not only refused the privilege, but were whipped, bound over to keep the peace, required to give bond for good behavior and to take the Test Oath.

After many efforts I have been unable to get a copy of this editorial in any form. There are persons living who claim to have

the laws. They were none the less oppressive for that reason.[1] It is difficult for us to tell how extensive and burdensome these tithes were; but that is of small moment, as a matter of principle was involved rather than one of pounds, shillings and pence. We may, perhaps, take the Friends as representing the general success of the tithe law. Prior to 1700 they had ordered that a true account of sufferings for truth's sake be kept. This was renewed in 1723 and again in 1756. In 1726 Friends in Perquimans complain of unlawful distraint, and report the case to the Meeting for Sufferings in London. In 1755 a committee was

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seen the original record which is now lost, but they cannot be induced to publish what they know, nor have I been able to get so much as a written statement that is definite and tangible. The advocates of persecution content themselves with vague assertions, and the photographs made by the Baptists of the Craven county records prove nothing whatever as to persecution. Dr. Vass, who was on the ground, looked the matter up very carefully not long after the time the *Journal* did and could find no indication of whipping. *Cf.* the account given in his *History of the Presbyterian Church in New Bern, N. C.*, 81-84.

Since the above was in type, two articles on this subject by Rev. Dr. C. Durham appeared in the *Biblical Recorder* for March 29 and April 5, 1893. The *Journal* editorial is quoted; a *tradition* in regard to this persecution has come down to our day; the records, which had been previously photographed, are printed, but no new material is produced. It is claimed that the record "has, seemingly by design, been mutilated," but they were intact when Dr. Vass examined them and he could find no evidence. Dr. Durham promises a third article. *Cf.* also *Church History in North Carolina*, 61.

[1] Dr. Cheshire, *Church History in North Carolina*, 88, 89, calls attention to the fact that these clergymen were not paid by the British government as has been claimed. It is incomprehensible how such an egregious blunder should arise. But I cannot agree with him when he says that "there was practically no discontent among the people," or that it was never felt "to be a popular grievance, nor had it created prejudice against the Church among the people of the Revolutionary period" (p. 253). I think the quotations I have made from the records will show that these statements are not exact.

appointed whose duty it was "to take the opportunity with some of the vestry so as to inform themselves on what account the levies are laid, before the time of the same, in order to prevent the like hereafter." Sufferings in 1756, chiefly for the maintenance "of an hireling priest," £10 14s. 5d.; two years later it was £14 17s. 6d., for same cause. The next year there was "a shortness in some Friends in respect to a compliance with the payment of the demand to support a hireling ministry. Friends are recommended to be more careful, diligent, watchful." Sufferings, 1759, £85 and over; 1760, £23; 1761, "Friends have had no sufferings this year, part we believe is owing in a great measure to the moderation of the officers." No sufferings in 1762, nor in 1765; 1768, fines reported amounted to £5 4s., "being for priests' wages and repairing of their houses called churches." In 1772, no suffering, except 30s., "church rates so-called"; none in 1773 or 1774.[1]

The amount of tithes collected here is ridiculously small. The whole amount for half a century would hardly support two clergymen decently for a year; but in this small sum was wrapped the whole principle of liberty of conscience.

(2) They suffered under muster laws, where a distinction was made in favor of the clergymen of the Church of England and against dissenting ministers.

(3) Presbyterian ministers were not allowed to perform the marriage ceremony until 1766. Even then the fee went to the minister of the Church of England. Other Dissenters, Quakers excepted, were not allowed this right before 1776.

(4) The most infamous section of all, the continued reenactment and enforcement of the Schism Act, which had been repealed in England in 1718. This act exasperated the Dissenters, throttled the few sickly schools that had begun to rise in the province, put a premium on the Estab-

[1] Manuscript Records of Friends' Monthly, Quarterly, and Yearly Meetings in North Carolina.

lishment and on ignorance, separated the different denominations from each other, hindered free political discussion by keeping men ignorant of political matters, and is directly responsible for the large percentage of ignorance and for the backwardness in intellectual life so characteristic of the State to-day.[1]

For this state of affairs we must hold both the English and colonial governments responsible. The initiative was taken by the home government. It was sanctioned and carried to its literal fulfilment by a powerful set in the colony. Illiberal ecclesiastical acts could have been easily made a dead letter, if not repealed, had the colonists opposed them, since these colonists were not at a loss for expedients to circumvent the British authorities.

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[1] Strangely enough, Dr. Charles Lee Smith, in his excellent *History of Education in North Carolina*, has entirely failed to recognize the importance of the Schism Act in its relation to education; *cf.* 32, 41, 42.

CHAPTER IV.

The Fall of the Establishment.

As the days of the Revolution drew nearer, the Established Church grew relatively weaker. The struggle against the increasing number and power of the Dissenters was continued, but the State support on which its clergymen depended often failed them. This fact will explain and mollify many of their harsh criticisms of the colonists; but the support failed through no fault of the colonial Churchmen. They did what they could; the spirit of the age was against them.

With the end of the seventh decade ecclesiastical legislation ceased. The Vestry Act of 1768 is the last law in North Carolina seeking to perpetuate an endowed Church at the expense of other denominations. From 1770 the entries in the records in regard to Church affairs become fewer; as times became more troublesome the mouths of the missionaries, who were mostly Tories, were gradually stopped. The Vestry Act of 1768 expired by limitation in 1773, and the law amending and further continuing it, passed in 1774, related solely to the poor.[1] The Establishment was dead.

But the Establishment threatened for the time to make a breach in the ranks of the patriots. "Distinctions and animosities," writes Governor Martin in 1774, "have immemorially prevailed in this country between the people of the Established Church and the Presbyterians on the score of the difference of their unessential modes of church government and the same spirit of division has entered into, or

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[1] Col. Rec., IX., 1014.

been transferred, to most other concernments; at present there is no less apparent schism between their politics than in matters appertaining to religion, and while loyalty, moderation and respect to government seem to distinguish the generality of the members of the Church of England, I am sincerely sorry to find they are by no means the characters of the Presbyterians at large." "If my opinion is right," he adds, "I submit to your lordship's wisdom the expediency of giving greater encouragement to the Establishment of the Church of England in a political view with respect to religion."[1]

This recommendation of Governor Martin was the dying wail of the Establishment. But it was uttered in vain. The great majority of the Churchmen remained faithful to the cause of the colonies, and the Establishment simply disappears from the history of North Carolina. A majority of its ministers remained faithful to the home government and were deprived of their cures. They returned to England, and the Episcopal Church received a set-back from which it did not recover for a generation. Others threw in their lot with the colonists and became useful citizens of the infant State.[2] The correspondence of the S. P. G. disappears. Its work, whether good or bad, had been done, and it passed from politics into history. The Dissenters had kept up a manly fight; for three-quarters of a century they had struggled for the rights of man. The struggle was now rising to its flood, and on the crest of the receding waves of royalty went the Establishment with all it means.

Dissatisfaction seems to have reached, if possible, a higher height in Mecklenburg than elsewhere. These people were

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[1] Col. Rec., IX., 1086. Governor Martin was writing from New York, but it is evident that he did not intend his remarks to apply to that province alone. Further, he expresses his desire that the clergy of North Carolina be put on a better footing, since religion helps to maintain "order and good government." We know what "good government" meant with him.

[2] Rev. Charles E. Taylor was a chaplain to the Provincial Congress, Col. Rec., X., 140, 169.

mostly Scotch-Irish and had been Dissenters for generations before coming to America. This county, which was to become soon the "Hornet's Nest" of the Revolution, instructed its delegates in September, 1775, to oppose in the Congress that was to meet in Halifax in April, 1776, "any particular church or set of clergymen being invested with power to decree rites and ceremonies and to decide in controversies of faith to be submitted to under the influence of penal laws." They were to oppose also "the establishment of any mode of worship to be supported to the opposition of the rights of conscience."[1]

But this convention was busy making preparation for war, and did nothing. The instructions to the delegates to the Halifax Convention of November, 1776, are still more clear-cut and positive in their position. They are in the handwriting of Waightstill Avery, a representative of the best Puritan blood of New England. Sections twenty and twenty-one of these instructions sum up the cause for which the Dissenters had carried on their long war:

"That in all times hereafter no professing Christian of any denomination whatever shall be compelled to pay any tax or duty towards the support of the clergy or worship of any other denomination.

"That all professing Christians shall enjoy the free and undisturbed exercise of religion, and may worship God according to their consciences without restraint except idolatrous worshipers."

After the adoption of the constitution and form of government, the delegates were instructed to "endeavor to have

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[1] Col. Rec., X., 241. This paper was the work of Dr. Ephraim Brevard and will compare favorably with any State paper in America. The liberality of the man is indicated by the fact that in naming a basis for their "Religion of the State," the Presbyterians put the 39 Articles, excluding the 37th and those suspended by the Toleration Act, on a level with the Westminster Confession. *Cf.* Foote's *Sketches of North Carolina*, 68-76.

all vestry laws and marriage acts heretofore in force totally and forever abolished."[1]

These instructions had immediate effect. A clause was inserted in the Declaration of Rights recognizing "the natural and unalienable right to worship Almighty God according to the dictates of their own consciences." But this was not all. They inserted a section in their constitution:

"XXXIV. That there shall be no Establishment of any one religious Church or Denomination in this State in Preference to any other, neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own Faith or Judgment, or be obliged to pay for the purchase of any Glebe, or the building of any House of Worship, or for the maintenance of any Minister or Ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform, but all persons shall be at Liberty to exercise their own mode of Worship. Provided, That nothing herein contained shall be construed to exempt Preachers of treasonable and seditious Discourses, from legal trial and Punishment."[2]

The divorce of Church and State was complete.

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[1] Col. Rec., X., 870*d*. According to these instructions, Atheists were to be excluded from holding office, and its liberality is marred by the exclusion of Unitarians and Catholics also.

[2] This Convention met at Halifax on November 12, 1776, and adjourned December 23.

CHAPTER V.

EPILOGUE.

Little more remains to be said on the history of Church and State in North Carolina. In 1774 the Assembly now calling itself a Provincial Congress, took charge of and controlled the government; but there is nothing in the proceedings of these Congresses disturbing the *status quo*. There were five Provincial Congresses. The first met in Newbern in August, 1774. The fifth met in Halifax in November, 1776. This Congress adopted, on December 17, the Bill of Rights, and on the next day a State Constitution. These instruments contained the provisions for religious freedom which have been already mentioned. It now only remained for the laws of the new State to be brought into conformity with her new Constitution. The Established Church fell with its adoption. An ordinance was passed securing to the different churches such glebes, lands and tenements as they already possessed. Marriage was put on a new footing in 1778[1] by a law giving the privilege of performing the ceremony to all ministers alike. The terms of the affirmation for Quakers, Moravians, Mennonites, and Dunkards were fixed.[2] The law in regard to the care of the

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[1] Laws of 1778, ch. 7, Iredell's Revisal, 354.

[2] Laws of 1779, chap. 10, Iredell's Revisal, 369; *cf.* also Laws of 1780, ch. 13, *ibid.*, 400, and Laws of 1784, ch. 29, *ibid.*, 505.

The Quakers were not willing to take the oath of allegiance (Laws of 1777, ch. 10), and say in a petition to the Assembly that the setting up and pulling down of governments and kings is God's work and that they "cannot be active either for or against any power that is permitted or set over us." They hoped the State would consider their principles a much stronger security than any test (Yearly Meeting Records). In 1778 it was decided to labor with those who took the "affirmation of allegiance or fidelity," in love and tenderness; if they remained stubborn they were not to be considered

orphan children of Quakers, passed in 1762, was repealed,[1] and with this repeal ecclesiastical laws disappear from our history.

But there was still another stage in the separation. There was no guarantee of religious freedom in the Federal Constitution as proposed to the States in 1787. The absence of this guarantee provoked so much criticism in no other State as in North Carolina. The leaders in this attack were the Rev. Henry Abbot, of Camden county, a Baptist minister, who had been a member of the second Halifax Convention in 1776, and who is said to have been the author of the clause of the Bill of Rights declaring for religious freedom,[1] Rev. David Caldwell, representative from Guilford, the most distinguished Presbyterian divine in the State, and Gen. William Lenoir, one of the heroes of '76.

Abbot said some were afraid that under this new constitution they might be deprived of the privilege of worship-

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active members. The next year they considered the matter again and concluded that they could not "consistently take any test while things remain unsettled and still to be determined by militia force." (Quarterly and Yearly Meeting Records.)

[1] Laws of 1784, ch. 29, Iredell, 505.

[2] Abbot was a member of the committee on the Bill of Rights and Constitution; tradition ascribes to him the nineteenth clause of the former. This claim is evidently founded on a passage in Burkitt and Read's *Concise History of the Kehukee Baptist Association* (pp. 107-109), where the author remarks, "to him we owe our thanks, in a measure, for the security of some of our *religious rights*." This statement was repeated by Biggs in his continuation to Burkitt (pp. 87-89), and has been amplified by later writers. Burkitt was a contemporary and an acquaintance of Abbot, and we may assume that the statement is substantially correct. Abbot was the son of John Abbot, Canon of St. Paul's. While still young he ran away, came to America and settled in that part of Pasquotank county which is now Camden. He taught school until his conversion, when he became an itinerant Baptist preacher. He acted in this capacity for a few years, and in 1764 or 1765 took charge of Shiloh church in Camden county. He was a man of much public spirit and had been a member of the Halifax Convention of April, 1776, as well as of the second convention in November. He died in May, 1791.

ing God according to their conscience. Would their liberties be secure, or would the general government make laws infringing these liberties? It was feared that the authority which had the treaty-making power might enter into an engagement to adopt the Roman Catholic religion, which would prevent the people from worshiping God according to their own consciences. If there is to be an Establishment, what shall be its form? As there are no religious tests, pagans, deists and Mahometans might obtain office, and senators and representatives might all be pagans. By whom were men to swear?—by Jupiter, Juno, Minerva, Proserpine [*sic*], or Pluto?[2]

To these arguments, James Iredell, later a Justice of the Supreme Court of the United States, replied. He recognized the evils of religious persecutions. The purpose of the convention was to establish a general religious liberty. Congress has no authority to interfere in the establishment of any religion whatsoever; if there is a religious test, how is it possible to exclude any set of men without taking away that principle of religious freedom which we ourselves so warmly contend for? He had just seen in a pamphlet that the Pope of Rome might become president;[3] there was no provision against such an emergency, nor was there one against one of the kings of Europe; one would be as rational and judicious as the other.

Gov. Samuel Johnston said a Jew, a Mahometan or a pagan could get office only in one of two ways: either the American people would have to lay aside the Christian religion altogether, or such persons would have to acquire confidence and esteem by good conduct and the practice of virtue.

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[1] Elliot, *Debates*, I., 277, says the clause abolishing religious tests passed "unanimously in the affirmative," but Madison reports that North Carolina voted against it; *cf.* Schaff, *Church and State in United States*, in *Papers American Historical Association*, II., 403.

[2] Schaff, *Ibid.*, 407, says this remark was made by a delegate from North Carolina in the Convention of 1787. I have not been able to fix the authorship of the pamphlet to which Iredell refers.

Dr. Caldwell thought the absence of the test was an invitation to Jews and pagans of every kind, and that these might endanger the character of the United States.

Judge Samuel Spencer replied that he was in favor of religious liberty in particular; no one particular religion should be established; religious tests have been the foundation of persecution in all countries; they keep good men out of office, not bad ones; is it reasonable to suppose that men would be chosen without regard to their characters?

Gen. Lenoir said that there was no provision against infringement of the rights of conscience; that ecclesiastical courts might be established which would be destructive to our citizens; these courts might make any establishment they thought proper.

Mr. R. D. Spaight denied that the power to establish ecclesiastical courts was given to Congress.

Mr. William Lancaster said that a test would secure religion, and that religious liberty ought to be provided for. "But let us remember that we form a government for millions not yet in existence. I have not the art of divination. In the course of four or five hundred years I do not know how it will work. This is most certain, that Papists may occupy that chair, and Mahometans may take it. I see nothing against it."[1]

The Federalists, under the leadership of Iredell, Davie, Maclaine, Johnston, and Spaight, made a gallant fight for the adoption of the Constitution; but the lack of a Bill of Rights, and a guarantee of religious freedom, and the strong centralizing tendency of the instrument were too much for them, and the Convention resolved "neither to ratify nor to reject the Constitution," but "that a declaration of rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said Constitution of government, ought to be laid before Congress and the con-

[1] Discussion in Elliot's *Debates*, 2d edition, vol. 4, pp. 191-215.

vention of the States that shall or may be called for the purpose of amending the said Constitution, for their consideration, previous to the ratification of the Constitution aforesaid on the part of the State of North Carolina."

In accord with this program, a declaration of rights, consisting of twenty articles, the last of which declares for "an equal, natural and unalienable right to the free exercise of religion according to the dictates of conscience," and twenty-six amendments to the Constitution itself were recommended to the States for adoption.[1]

North Carolina was therefore unrepresented in the extra session of the first Congress. This session took up the question of amendments, and twelve were proposed to the States. One of these, now standing as the first, provided that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These amendments covered the vital principles for which North Carolina had been striving. It became evident that they would be adopted, for the same features had been emphasized by Virginia, New Hampshire, and New York, and North Carolina adopted the Federal Constitution without debate in convention at Fayetteville, November 21, 1789.

There remains but one thing more. The thirty-second section of the Constitution of 1776 read: "That no person who shall deny the Being of God, or the truth of the Protestant religion, or the divine authority either of the Old or New Testament, or shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State."[2]

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[1] This declaration of rights is the same as that adopted by Virginia in June of the same year. The Virginia amendments were twenty in number. North Carolina adopted these and added six others.

[2] This section has been accredited to Rev. David Caldwell (Foote, *Sketches of North Carolina*, 240). It was opposed by Governor

It was never possible to arrive at any uniformity of belief as to the parties intended. Judge Gaston summarized the state of belief in his great debate in the Convention of 1835 as follows: "One [of the previous speakers] informs us that it excludes nobody—that it cannot be interpreted to exclude anybody—that, for want of a tribunal to enforce and expound it, the entire provision is a dead letter, as if it had never been embodied in the instrument. Another thinks that it clearly excludes atheists and such deists as make a parade of their infidelity, by proclaiming the Holy Scriptures to be false. A third believes that it disqualifies atheists, deists, and Jews—for that the latter necessarily deny the divine authority of the New Testament, and deists deny the divine authority both of the New and Old Testament. A fourth supposes that these are excluded, and that it was intended also to exclude Catholics, but that the language is not sufficiently explicit to warrant a judicial exposition to that effect. A fifth holds that it was not only intended to exclude, but, by a legal construction, does exclude them. A sixth is satisfied that Quakers, Mennonites, and Dunkards are disqualified, because their doctrine, that arms cannot lawfully be used in defense of the country, is subversive of its very freedom and repugnant to its safety. Some think it will be a matter of fact for a jury to determine—others, a matter of law, for a court, to pronounce what religious principles are incompatible with the freedom and safety of the State—while not a few are inclined

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Johnston: "Unfortunately, one of the members from the back country introduced a test, by which every person, before he should be admitted to a share in the Legislature, should swear that he believed in the Holy Trinity, and that the Scriptures of the Old Testament was written by divine inspiration. This was carried after a very warm debate, and has blown up such a flame, that everything is in danger of being thrown into confusion." (McRee's *Life and Correspondence of James Iredell*, I., 339.)

to hold that the Legislature may, in this respect, define what the Constitution has left vague and uncertain."[1]

The clause had probably been aimed at Roman Catholics. But it had never been interpreted against them. Thomas Burke, who "publicly professed and openly avowed the Catholic faith," had been a member of the Continental Congress from North Carolina, and in 1781 had been elected governor of the State. Judge Toomer said that this clause was a declaration of principles, not a proscription of individuals; that infidels and Jews had been members of each branch of the General Assembly;[2] that votaries of the Romish Church had filled the highest executive, legislative and judicial stations in the State; that the construction of the section had been settled by the decisions of every department of the government and that this had been accepted by the people.[3] Mr. Fisher said all offices had been filled by Catholics from governor down to constable.[4]

The most distinguished of these Catholics was William Gaston, one of the best and purest men whom North Carolina has produced. He had been a member of the State Senate, he was Speaker of the House of Commons, he was a representative in Congress; but his right to hold these offices had never been questioned. In 1833 he was chosen

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[1] *Debates of Convention of* 1835, 270, 271. It was on this occasion that Judge Gaston made his famous address in defense of the Catholic Church, *Debates*, pp. 264-305, which did much, no doubt, to move the Convention toward a more liberal view; but his historical references are sometimes warped and even untrue. In 1823, during the "Western Convention," Henry W. Harrington moved that this clause be stricken out. It was discussed favorably, but was withdrawn as foreign to a "*Western* Convention." *Ibid.*, 275.

[2] Judge Gaston instances the case of Jacob Henry, a Jew, who was in the House of Commons in 1808 from Carteret. The clause did not exclude these classes from *legislative* offices, but only from *civil*. They could make, but could neither execute nor interpret the laws!

[3] *Ibid.*, 314, 319.

[4] *Ibid.*, 327. *Cf.* also a summary of these by Martin I. J. Griffin, in *American Catholic Historical Researches*, July, 1890, pp. 129-133.

a Justice of the Supreme Court by the Legislature. In a letter to Thomas P. Devereux he explains how he can hold office under this clause: The Constitution is based on the general principles of civil and religious liberty; therefore all citizens are competent to take and to hold office who are not clearly disqualified; it was in the power of the people to create penal incapacity, but persons must be unequivocally debarred before this can take effect; the only part of the Constitution that can be so interpreted is the thirty-second section; it is possible that some of the framers intended to exclude Catholics; but what is the Protestant religion? We have no establishment to determine the truth of that religion and pronounce on schism and heresy; this establishment is forbidden by the Constitution; the Constitution has not defined the Protestant religion, has not excluded Catholics or any other denomination *eo nomine*, and is therefore inefficient and unmeaning. Is a belief in the Catholic a denial of the truth of the doctrines of Protestants? Again, test laws and disqualifying enactments were familiar to England and her colonies; if this old system of proscription had been intended, can it be doubted that the intent would have been unequivocally manifested? Judge Gaston concluded that he was not disqualified and that he had "no right by any over-nice scruples to be instrumental in practically interpolating into that instrument an odious provision which it does not contain."[1]

Judge Gaston had assumed his seat on the supreme bench, and there had been no complaint; but it was thought best to amend the section when the matter came up for settlement in the constitutional convention. The debate on the section was long, but almost wholly in favor of amendment,[2] the opposition argument being based largely on the

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[1] *North Carolina University Magazine*, VII. (N. S. 1887-88), 61-63; included in his Convention speech.

[2] The printed debates make a volume of 424 pages, octavo, of which this section takes up pp. 213-332.

fact that it was already dead. It was determined to substitute the word "Christian" for "Protestant," and thus, in the eloquent words of Judge Gaston, was the carcass of this last remnant of religious persecution interred, "lest its pestilential effluvia should poison the atmosphere of Freedom."

Bibliographical Note.

A number of books and monographs have been published on the history of the Baptists, Episcopalians, Lutherans, Methodists, Moravians, and Presbyterians in North Carolina, but the authors have in most cases confined themselves to the growth and development and the inner life of the denomination. Little attention has been given to their relations to other denominations or to the State.

The question of Church and State has been discussed from the Presbyterian standpoint by Rev. E. W. Caruthers, in his *Life of Rev. David Caldwell, D. D.* (Greensboro, 1842); by Rev. L. C. Vass, in his *History of the Presbyterian Church in New Bern, North Carolina* (Richmond, 1886), who gives a résumé of ecclesiastical affairs in eastern North Carolina; and from the Episcopal view by Rev. Joseph Blount Cheshire, in *Church History in North Carolina* (Wilmington, 1892). The principal materials used in this paper were *The Colonial Records of North Carolina* (10 vols., Raleigh, 1886-1890), the *Laws of North Carolina* (Revisals of 1752, 1765, 1773, 1791), *Elliot's Debates* (Washington, 1836), the *Debates of the Convention of* 1835 (Raleigh, 1836), and the manuscript records of the Monthly, Quarterly and Yearly Meetings of the Friends, now in the care of Josiah Nicholson, Esq., Belvidere, North Carolina, and of Prof. J. W. Woody, Guilford College, North Carolina.

[Notes supplementary to the Johns Hopkins University Studies in Historical and Political Science, 1893, No. 1.]

THE PHILOSOPHY OF EDUCATION.

By WILLIAM T. HARRIS, LL. D.
U. S. Commissioner of Education.

A course of five lectures on the Philosophy of Education was given to those members of the University who are engaged in teaching or who expect to become teachers, by William T. Harris, LL. D., Commissioner of Education, January 7–14, 1893. An abstract of the principal topics discussed is here given.

The following list of books is suggested as useful for reference in connection with the course:

1. Rosenkranz: Paedagogik als System (*English Translation, D. Appleton & Co., New York*). Third part, treating of the substantial contents of the national education—its sacred books, and the idea that the nation stands for in the history of the world. (Lecture 1.)
2. Karl Schmidt: Geschichte der Paedagogik; gives a much fuller statement of the details of the culture systems of the several nations. (Lecture 1.)
3. R. H. Quick; Educational Reformers. (Lectures 2, 3, 4, and 5.)
4. Pestalozzi: Lienhard und Gertrud. (*English Translation, Boston.*) (Lecture 3.)
5. Herbart; Lehrbuch zur Psychologie. (*English translation, New York*). (Lecture 3.)
6. Rousseau: Emile. (Lecture 4.)
7. Herbert Spencer; Essay on Education. (Lecture 5.)

Lecture I.—*January 7th*, 1893.

THE LITERATURE OF EDUCATION.

The first and most important of all educational literature is that showing the ideals of a people—the literature on which they are brought up—generally the sacred books which reveal what the people regard as divine; consequently what is the highest ideal to be realized. China, for example, has Confucius and Mencius, showing the family as the type of the social whole. These writings furnish the contents of the mind of the Chinese—minute observances of etiquette; how to behave towards one's elders and superiors in rank; towards one's inferiors or juniors; towards one's equals. Chinese schools are almost exclusively devoted to filling the memory of the pupil with the ethical maxims of these sacred books, so that the mind shall be full of family etiquette. The aim of Chinese education was to teach the young how to behave; that of the Persians, how to ride, shoot, and speak the truth—a faculty not much thought of by the Hindus. The Persian

differs from the Buddhist in that the latter wishes to get rid of the world, while the former attempts to conquer the real. The Phoenicians, again, furnish a contrast to Chinese education. Their object was to wean the child from the family; whereas the Chinese endeavor to educate the young so that they will become submerged in the family. The Phoenicians aimed to create a love of adventure. Their children were educated in myths. The stories in Homer's "Odyssey" must have been derived from the tales of the Phoenician sailors, which were calculated to engender a hunger and thirst for adventure, so that the young Phoenician would gladly get on board ship and go to the ends of the world in the interests of trade. The Greeks were imbued with the new world-principle of a spiritual and beautiful individuality. They thought more of the games which they practised in the evenings on the village green than of the tasks by which they earned their bread. They learned history and geography from the second book of Homer's "Iliad." They thought not of commercial education, like the Phoenicians, but of that heroic individual who furnished a beautiful ideal. Later on, Greek education became more scientific and more reflective. The Roman concentrated his whole mind on the will. He went beyond the circle of his city, and studied to cause even foreigners to live under the same laws with himself. Freedom meant more to him than to any of the Asiatic nations. It meant the power of the individual to hold, alienate, and devise property. This was an enormous step upward in educational progress. Hitherto, property could only be held by the family. Contract is the supreme idea of the Roman. He even carries it into his religion. Thus he prays to one of his deities to help him in some extremity or to give him his desire, and he promises, in turn, to build the god a temple. The Roman wants to conquer all peoples and to make them free under the law. But the greatest educational lesson is derived from the Hebrew people. They teach the personality of the Divine apart from Nature. This Divine Person creates Nature in order that He shall have something to recognize Him. The Divine Being does not efface man simply, but is the embodiment of goodness and righteousness—the righteousness that breathes the spirit of loving kindness, holding his creatures responsible only in so far as they know the right, and returning their deeds upon them. Art education ranked first in the Greek mind, for he worshipped the beautiful. Then came science and philosophy. From the Greeks we get these elements of our educational curriculum. From the Romans we get the principle of organization. Whether or not a person is educated reflectingly into civilization, he finds himself in the great network of usages that go to make up civilization. Education is meant to give one an insight into the genesis of these things, so that he can detect an element of each in the threads of his civilization. Ninety-nine out of a hundred people in every civilized nation are automata, careful to walk in the prescribed paths, careful to follow prescribed custom. This is the result of substantial education, which, scientifically defined, is the subsumption of the individual under his species. The other

educational principle is the emancipation from this subsumption. This is subordinate, and yet, in our time, we lay more stress upon it than the other. Look at the French Revolution. What a prodigious emancipation that was. It was predicted by Rousseau; but those who read him only superficially, without first studying his genesis, will find that their minds are poisoned by his doctrine of the supremacy of nature. Comenius taught the emancipation of the individual from the printed page. Spencer says that the modern school system is all wrong, and has a tendency to get away from science and cause students to waste time over the dead languages. Emancipation has now become the important side of the educational question. But the student of advanced education must first avail himself of the wisdom of the race, and learn how not to be limited by it. He cannot progress unless he is a free man, for he must not be so much subsumed that he cannot investigate scientifically, and with safety to himself, all problems that present themselves.

Lecture II.—*Saturday, January 14th*, 1893.

PROBLEMS PECULIAR TO AMERICAN EDUCATION.

There are two kinds of education. The first may be called substantial education—the education by means of the memory; the education which gives to the individual, methods and habits and the fundamentals of knowledge. It is this education which the child begins to receive from its birth. This sort of education is education by authority—that is, the individual accepts the authority of the teacher for the truth of what he is told, and does not question it or seek to obtain insight into the reason for its being so. It is this education by authority—the education of the past—that the modern or second kind of education seeks to supersede. This second kind may be called individual or scientific education; it is the education of insight as opposed to that of authority. When this kind of education is acquired, it frees the individual from the authority of the other. Under the system of education by authority when told, for instance, that the sum of three angles of a triangle are equal to two right angles, this will be blindly believed only as long as authority sanctions this belief; but when an insight into the reason for this geometrical truth is obtained, no change of authority is able to make the individual doubt. But there is this danger in the system of education by insight, if begun too early, that the individual tends to become so self-conceited with what he considers knowledge gotten by his own personal thought and research, that he drifts toward empty agnosticism with the casting overboard of all authority. It is, therefore, necessary that this excessive conceit of self which this modern scientific method of education fosters, be lessened by building on the safe foundations of what has been described as the education of authority. The problems of the reform movement centre, therefore, on the proper method of replacing this authoritative or passive method of education by education through self-activity.

There is another problem—that of the method of study. Germany advises us to teach by oral methods, by giving pieces of information and insight orally by word of mouth. But the American educators have blundered upon what may be defended as the correct method, namely, the text-book method. It was merely the outcome of an unconscious trend. The method is of course liable to very serious abuse, but the good points greatly outweigh the bad. It has the advantage of making one independent of his teacher; you can take your book wherever you please. You cannot do that with the great lecturer, neither can you question him as you can the book, nor can you select the time for hearing the great teacher talk as you can for reading the book. And it is true that nearly all the great teachers have embodied their ideas in books. The greatest danger of text-book education is verbatim, parrot-like recitation; but even then from the poorest text-book a great deal of knowledge can be gleaned. Then there is the alertness which in any large class will necessarily be engendered by an intelligent understanding and criticism of the results arrived at by different pupils in discussing a certain piece of work given in his own words. And then there is the advantage to be found in the fact that with the text-book the child can be busy by itself. Lastly, there is the problem of discipline. There should be very little corporal punishment; the milder forms of restraint should be used. The child that is brought up accustomed to the rod loses his self-respect, and may become the man who must have police surveillance. Silence, punctuality, regularity and industry are fundamental parts of a "substantial education" as much as the critical study of mathematics, literature, science and history is a part of the "education of insight." These two kinds of education, that of authority and that of self-activity, should be made complementary.

LECTURE III.—*January 21st*, 1893.

OPPOSITION BETWEEN PESTALOZZI AND HERBART AS EDUCATIONAL LEADERS.

Pestalozzi laid great stress on sense-perception as the foundation of all school education. Herbart lays stress on the elaboration of sense-perception or rather upon the mental reaction against the impressions made on our senses. Thought goes back of the object to understand and explain its origin, how it became to be what it is, what purpose it is to serve. Thought sees objects in the perspective of their history. It studies causes and purposes. Thus thought is not as the disciples of Pestalozzi hold, a continued and elevated sort of sense-perception, but rather a reaction against it. It is a discovery of the subordinate place held by objects in the world; they are seen to be mere steps in a process of manifestation—the manifestation of causal energies. A new perception is received into the mind by adjusting it to our previous knowledge; we explain it in terms of the old; we classify it, identify it; reconcile what is strange and unfamiliar in it with

previous experience; we interpret the object and comprehend it; we translate the unknown into the known. This process of adjusting, explaining, classifying, identifying, reconciling, interpreting and translating, is called *apperception.* We must not only perceive, but we must apperceive; not only see and hear, but digest or assimilate what we hear and see. Herbart's "apperception" is far more important for education than Pestalozzi's "perception." At first the memory was the chief faculty cultivated in education; then Pestalozzi reformed it by making the culture of sense-perception the chief aim; now with Herbart the chief aim would be apperception or the mental digestion of what is received by perception or memory. Illustrations of the power of apperception to strengthen perception: Cuvier could reconstruct the entire skeleton from a single bone; Agassiz the entire fish from one of its scales; Winckelman the entire statue from a fragment of the face; Lyell could see its history in a pebble; Asa Gray the history of a tree by a glance. Apperception adds to the perceived object its process of becoming. Noiré has illustrated apperception by showing the two series of ideas called up by the perception of a piece of bread. First the regressive series—dough, flour, rye; and the processes—baking, kneading, grinding, threshing, harvesting, planting, &c. Each one of these has collateral series, as for example, planting has plowing, plow, oxen, yoke, furrow, harrowing, sowing seeds, covering it, etc. The second series is progressive—bread suggests its uses and functions; food, eating, digesting, organic tissue, life, nourishing strength, supply of heat, bodily labor, &c. The course of study in schools must be arranged so as to prepare the mind for quick apperception of what is studied. The Pestalozzian makes form, number, and language the elements of all knowledge. He unfortunately omits causal ideas, which are the chief factors of apperception; we build our series on causalty. Accidental association satisfies only the simple-minded and empty-headed.

Lecture IV.—*January 28th*, 1893.

ROUSSEAU AND THE RETURN TO NATURE. REVOLUTIONARY PROTEST.

The time of Louis XIV: the nobles attracted to Court and to a life of gayety, neglecting their estates and wasting the fruits of toil in riotous living; the laborers deprived of the advantage of the directive power of the nobility fail in power of production. The French Revolution is the result. Rousseau its prophet; he proclaims a return to nature. "Nature," a word of ambiguous meaning; human nature versus physical nature; human history the revelation of man's nature; it is realized in institutions and not by man as an isolated individual. Nature in time and space is under the dominion of necessity, everything constrained to be what it is by outside forces. Human nature is an ideal, and when realized it has the form of

freedom and self-determination, each man a law unto himself and each one engaged in helping every other one, for by this each one helps himself. Rousseau appealed to nature in everything. What we call civilization was to him a mere artificial form. His plea was to be natural, come back to the point where nature leaves you. Rousseau came from Switzerland to France, and at an opportune time for him; for there was a great ferment of ideas at this epoch. He was struggling along in Paris, barely securing a livelihood, when there came the offer from the Academy of Dijon of a prize for an essay on the progress of the arts and sciences, whether it has tended towards the purification of morals and manners. The negative side suggested itself more forcibly to him, as he was better fitted for it by his mode of living and morals, and by his literary style, and he found himself at once a "censor of civilization." This essay was soon followed (1752) by one on the origin of the inequality among men. The great tension produced by the artificiality of the civilization of the Court life of the time had caused men to become anxious to get back to a simplicity of living, and Chateaubriand painted the charms of the forest life of the Indians. In this reaction the meaning of civilization is ignored. Man emancipates himself from drudgery and compels nature by the forces of his intellect to feed and clothe him. The "Social Contract" followed (1762) this with an attack on the authority of the State; and in the same year his *Émile* undermined the School and the Church; and so he attacked all the social institutions one after another—the family, civil society, the Church and State. He proposed to sweep all away by summoning them before the bar of his individual judgment and condemning all. In the opening paragraph of his *Émile* he declares that everything which comes from nature is good, while everything degenerates in the hands of man. The antithesis of civilization is savagery, and Voltaire wittily exposed the fallacy of Rousseau's teaching in his letter accepting the book. He said—"never has anyone employed so much genius to make us into beasts. When one reads your book he is seized at once with a desire to go down on all fours." External authority is a perennial necessity for man in his immaturity. An appeal to nature is always a piece of jugglery with words. In mere nature we have matter and force. Everything inorganic is made by some external influence. But organic nature is the opposite of inorganic. The plant has the power of assimilation, and the animal the further powers of locomotion and feeling, or ability to select or choose its surroundings. In man this is still further increased by recollection and memory, by which the mind makes over its impressions. To do his duty properly he must look to higher things, and in ethical ideas the human becomes transcendental. The moral man acts as though the sole being in the world is humanity. No natural instinct is admitted as having validity against the moral law. If we adopt the doctrines of material nature and yield to our feelings and impulses, we remain animals. But if we take nature in the sense of our ideal, divine possibility, and realize it by education, we attain to human nature properly so-called,

which is not something given us without effort, but only the product of culture.

LECTURE V.—*February 4th*, 1893.

HERBERT SPENCER AND WHAT KNOWLEDGE IS OF MOST WORTH.

In Herbert Spencer, the return to nature means the study of natural science, and this becomes the great thing. But natural science is only the instrument with which we conquer nature. Everybody becomes filled with the idea of progress by it, for we see that nature as it is, existing in time and space, is conquered by inventions and made to serve man. There was never a more unscientific book made than Spencer's essay on education; for while he praises science, he does not apply it to a study of education as it is and has been. To do this he ought to study the genesis of the course of study and explain its functions. The unscientific person takes things as they are, and cares not for their origin. To study things from a scientific standpoint means to take an inventory of them—to find the process in which they are being produced; to connect them with other things; to see things in their causal process. He does not understand the system of education as it exists, because he does not know the educational value of its branches. The education he proposes for us is for the purpose of complete living; but what is Spencer's definition of this complete living? Spencer does not take education as the genesis of man's spiritual life, but merely as something useful for showing how to care for the body and perform the lower social functions as the tool of life, the instrument by which life is preserved. Now suppose the definition of complete living to be, to elevate each individual so that he can take advantage of the life and experience of his race. Then he would find complete living to involve the initiation into the civilizations of the past that furnish the elements out of which our own civilization is formed. Spencer thinks that the first business of the child is to know physiology; the next is the selection of a vocation or trade, which leads to training for citizenship; and last of all he puts relaxation and amusement, in which he includes literature and art. Now, Aristotle characterized man as the symbol-making animal. Human nature has to be expressed by symbols. The poets of a people first paint the ideal, which makes civilization possible. Literature furnishes the most essential branch of education, so far as its function is to help the child into civilization. Man sits in the theatre of the world (as Plato tells us) and sees the shadows of men and events thrown on the curtain before him. Behind him and out of his sight is the Great Leader, who is making these shadows. From them he draws his ideals, but ideals are potentialities, not realities. Self-activity, the freedom of the soul, is made possible by the institutions of society, the family, civil society, State and Church. We must not confound the mere school with these other great institutions of civilization. In the family are learned

the mother tongue, habits, and nurture. Civil society teaches him his vocation; the State, his duties as citizen; and the Church shows him his place in the divine plan of the universe. Spencer calls education the subject which involves all other subjects, and the one in which they should all culminate. But some one has better said that school education is the giving to man the possession of the instrumentalities of intelligence. By his school education he does not attain all education, but he gets the tools of thought by which to master the wisdom of the race. There are, then, three epochs of school education—elementary, secondary and higher. The first or elementary stage is the opening of the five windows of the soul. (1) Arithmetic is the foundation of our knowledge of nature, by which we measure and count all things inorganic. When its first principles are mastered the child begins to want to combine the organic with the inorganic, and then we come to another window (2), that of elementary geography. The distribution of animal and plant life is learned, and the child begins to peep into the organization of things, the growth of plants, and the formation of the continents and the earth. Thirdly, he learns to read and write, and gets a glimpse into literature. The original colloquial vocabulary learned at home, variously estimated at from 300 or 400 to 3,000 or 4,000 words, deals only with commonplace things. But the school takes this colloquial vocabulary as a key and opens up the great reservoir of literature in books, initiating him into a higher class of words, expressive of fine shades of feeling and thought. Thus, to his own vocabulary are added those of great writers, who have seen nature from a different point of view, and presented their thoughts in gems of literary style. Literature lifts up the pupil into the realms of human nature and discloses the motives which govern the actions of men. Yet Spencer puts this last in his course of study. After learning all science has to give, after learning one's trade and the care of his body, he would then, if there is leisure, permit literature and art. But literature is the greatest educator we have. It has made possible newspapers and periodicals and books, with pictures of human life and of the motives governing our actions. The fourth window of the soul is grammar, wherein we have a glimpse of the logical structure of the intellect as revealed in language. The fifth window is history (that of his own country), wherein he sees revealed the aspirations of his countrymen, his own nature, written out in colossal letters; and these five studies should make the elementary education of the student. The secondary education takes up human learning and continues it along the same lines, namely: 1, inorganic nature; 2, organic nature; 3, literature (the heart); 4, grammar and logic (the intellect); and 5, history (the will). Algebra deals with general numbers, while Arithmetic has definite numbers to operate with. Geometry and physics continue inorganic nature, while natural history continues the study already commenced in geography. Then come Greek and Latin, and here is opened up a great field of study into the embryology of our civilization. In the dead languages we have the three great threads running through the his-

tory of human progress. The Greek, with its literature and aesthetic art and its philosophy, showing the higher forms of human freedom in contrast with the Egyptian, which showed only the struggle for freedom and never the man separated from the animal and the inorganic world. The Roman, with the continual gaze upon the will of man, seeks the true forms of contracts and treaties and corporations, whereby one man may combine with another, and it essays the conquering of men and reducing them to obedience to civil law, not only external conquest but internal conquest as well. The Hebrew thread is the religious one, which we recognize in the celebration of worship one day each week and in the various holy days. We acknowledge this the most essential thread of our civilization. So, with the secondary education we begin to get the embryology of our forms of life. The higher or collegiate education is the comparative step of education. Each branch is studied in the light of all the others. Natural science and sociology are investigated; logic and mental philosophy; ethics and rhetoric; as well as the philosophy of history and of literature, and the comparative sciences, which furnish the light for the whole method of higher education. The first, or elementary education, then, is but superficial, a mere inventory; the secondary insists on some reflection on what has been learned; and the third, or higher education, is the unity and comparison of all that has been learned, so that each is explained by the whole. Give the child possession of the embryology of civilization, and his insight into the evolution of civilization is insured. Educators have adopted the course of study as it exists, led by an unconscious or blind impulse. Herbert Spencer should have investigated and discovered its purpose, which is a far deeper one than he has thought out when he advocates its overthrow for the sake of knowledge that leads to direct self-preservation.